

Chapter 79

2020 Regular Session

Subject Health-Related Licensing Boards

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Overview

This act removes criminal background study fees for physicians and allied health professions, modifies provisions related to occupational therapy, social work, and dentistry licensing and practice, and permits payment of retirement annuities for health care workers employed by a public employer during a peacetime emergency.

Article 1: Board of Medical Practice

This article makes clarifying changes related to physician licensure and removes unnecessary criminal background check fees for physicians and other allied health professions regulated by the Board of Medical Practice.

Section	Description
1	Physician application and license fees. Amends § 147.01, subd. 7. Removes criminal background check fee for physicians.
2	Board approval; reporting. Amends § 147.038, subd. 1. Makes clarifying changes.
3	Cancellation of license for nonrenewal. Amends § 147.039. Removes obsolete dates, and adds clarifying language for Board of Medical practice physician license renewal after lapse.
4	Limitation. Amends § 147.091, subd. 8. Makes clarifying changes.
5	Physician assistant application and license fees. Amends § 147A.28. Removes criminal background check fee for physician assistants.
6	Acupuncturist application and license fees. Amends § 147B.08, subd. 4. Removes criminal background check fee for acupuncturists.

Section	Description
7	Respiratory therapist application and license fees. Amends § 147C.40, subd. 5. Removes criminal background check fee for respiratory therapists.
8	Additional fees. Amends § 147D.27, subd. 5. Removes criminal background check fee for traditional midwives.
9	Fees. Amends § 147F.17, subd. 1. Removes criminal background check fee for genetic counselors.

Article 2: Board of Occupational Therapy Practice

This article modifies provisions related to occupational therapist licensure, making clarifying changes throughout, updating terminology and references, modifying continuing education requirements, and converting licenses to a birth-month renewal cycle.

Section	Description
1	Contact hour. Amends § 148.6402, subd. 5. Removes “consecutive” from 60 minute requirement for an instructional contact hour.
2	Licensure by equivalency. Amends § 148.6402, subd. 21. Specifies that the national credential for licensure must be current.
3	Unlicensed practice prohibited. Amends § 148.6403, subd. 1. Makes clarifying changes.
4	Exempt persons. Amends § 148.6403, subd. 5. Modifies terminology to “occupational therapy practitioner.”
5	Sanctions. Amends § 148.6403, subd. 6. Modifies terminology to “occupational therapy practitioner.”

Section	Description
6	Scope of practice. Amends § 148.6404. Modifies definition of the practice of occupational therapy and specifies that services must be based on nationally established standards of practice.
7	Licensure application requirements: procedures and qualifications. Amends § 148.6405. Specifies that a person who was previously certified by the National Board for Certification in Occupational Therapy may apply for licensure by reciprocity; makes clarifying changes.
8	Persons certified by National Board for Certification in Occupational Therapy. Amends § 148.6412, subd. 2. Removes obsolete dates.
9	Licensure by reciprocity. Amends § 148.6415. Adds clarifying language relating to certification by the National Board for Certification in Occupational Therapy.
10	Supervision required. Amends § 148.6418, subd. 4. Modifies terminology from “treatment” to “intervention.” Specifies that supervision following demonstrated service competency must occur at least every ten intervention days or 30 calendar days, whichever is sooner.
11	Expiration of temporary licensure. Amends § 148.6418, subd. 5. Modifies requirements for revocation of temporary licensure upon failing the qualifying examination twice; requires the temporary license holder to submit qualifying examination scores and refrain from practice if their license is revoked. Modifies temporary license expiration provision. Specifies that a temporary license is not renewable.
12	Applications for licensure. Amends § 148.6420, subd. 1. Adds email address to application requirements; removes number of hours worked from work history requirement.
13	Applicants credentialed in another jurisdiction. Amends § 148.6420, subd. 4. Makes clarifying changes.
14	Action on applications for licensure. Amends § 148.6420, subd. 5. Removes advisory council language.

Section	Description
15	Licensure renewal. Amends § 148.6423. Makes clarifying changes. Adds subdivisions converting the license renewal cycle to a two-year cycle, with renewal due on the last day of each licensee’s birth month, beginning January 1, 2021. Requires fees related to conversion period, and specifies that new subdivisions 4, 5, 7, and 8 expire December 31, 2023.
16	Licensure renewal after licensure expiration date. Amends § 148.6425, subd. 2. Makes clarifying changes.
17	Change of name, address, or employment. Amends § 148.6428. Adds email address to contact information changes requiring a licensee to inform the board; makes clarifying changes.
18	Delegation of duties; assignment of tasks. Amends § 148.6430. Modifies terminology from “treatment” to “intervention;” makes clarifying change.
19	Intervention. Amends § 148.6432, subd. 3. Modifies terminology from “treatment” to “intervention” and makes clarifying changes. Modifies timeline for face-to-face collaboration between an occupational therapist and occupational therapy assistant.
20	Coordination of services. Amends § 148.6435. Makes clarifying changes, modifies terminology from “treatment” to “intervention.” Removes paragraph requiring occupational therapists to communicate a written occupational therapy plan of care with appropriate health care professionals within 14 days of treatment initiation.
21	Continuing education requirements. Amends § 148.6443. Removes paragraph relating to contact hours for continuing education. Adds language to subdivision 2 specifying standards for continuing education to be accepted by the board; makes clarifying changes to continuing education requirements, acceptable activities, documentation, reporting, verification of attendance, waiver or deferment, and penalties for noncompliance.
22	Penalty fees. Amends § 148.6445, subd. 11. Modifies penalty fees and requirements for failing to submit a requested continuing education report by the due date, without changing fee amounts; removes obsolete dates.

Section	Description
23	Grounds for denial of licensure or discipline. Amends § 148.6448, subd. 1. Modifies terminology from “treatment” to “intervention.”
24	Investigation of complaints. Amends § 148.6448, subd. 2. Adds cross-reference.
25	Qualifications of board members. Amends § 148.6449, subd. 2. Makes clarifying changes.
26	Repealer. Repeals § 148.6402, subsd. 10 and 15 (direct supervision and occupational therapy definitions); § 148.6412, subd. 1 (persons certified by National Board for Certification in Occupational Therapy before June 17, 1996); and Minnesota Rules, part 4664.0003, subpart 28 (occupational therapy definition).

Article 3: Board of Social Work Practice

This article modifies social work licensing and practice requirements, adds definitions, updates and clarifies terminology, and makes technical changes.

Section	Description
1	Baccalaureate degree. Amends § 148E.010 by adding subd. 3a. Adds definition of “baccalaureate degree.”
2	Clock hour. Amends § 148E.010 by adding subd. 7b. Adds definition of “clock hour.”
3	Continuing education. Amends § 148E.010 by adding subd. 7c. Adds definition of “continuing education.”
4	Continuing education independent learning. Amends § 148E.010 by adding subd. 7d. Adds definition of “continuing education independent learning.”
5	Continuing education social work ethics. Amends § 148E.010 by adding subd. 7e. Adds definition of “continuing education social work ethics.”

Section	Description
6	Intern. Amends § 148E.010, subd. 9. Adds clarifying language to definition of “intern.”
7	Practice of social work. Amends § 148E.010, subd. 11. Adds clarifying language and reference to definition of “practice of social work.”
8	Student. Amends § 148E.010, subd. 16. Clarifies definition of “student.”
9	Supervisee. Amends § 148E.010, subd. 17. Clarifies definition of “supervisee.”
10	Supervision. Amends § 148E.010, subd. 18. Clarifies definition of “supervision.”
11	Supervisor. Amends § 148E.010, subd. 19. Clarifies definition of “supervisor” by adding a reference.
12	Underrepresented community. Amends § 148E.010 by adding subd. 20. Adds definition of “underrepresented community.”
13	Scope. Amends § 148E.015. Clarifies section stating persons to whom chapter 148E applies.
14	Qualifications of board members. Amends § 148E.025, subd. 2. Modifies the required qualifications for the ten social worker board members.
15	License required. Amends § 148E.055, subd. 1. Adds clarifying reference; removes paragraphs relating to individuals who teach professional social work students and individuals newly employed by previously exempt agencies.
16	Qualifications for licensure by examination as a licensed social worker (LSW). Amends § 148E.055, subd. 2. Makes clarifying changes; adds cross-reference for criminal background checks; removes paragraphs relating to applications for licensure, supervised practice requirements, board authority to investigate application information, and educational and examination requirements.

Section	Description
17	<p>Qualifications for licensure by endorsement as a licensed social worker (LSW). Amends § 148E.055 by adding subd. 2a. Clarifies requirements for applicants for licensure by endorsement, who have active credentials in other jurisdictions.</p>
18	<p>Qualifications for licensure by examination as a licensed graduate social worker. Amends § 148E.055, subd. 3. Makes clarifying changes; specifies that the required examination must be taken no more than six months before an applicant completes a degree; adds cross-reference for criminal background checks. Removes paragraphs relating to applications, supervised practice requirements, and licensure and examination requirements.</p>
19	<p>Qualifications for licensure by endorsement as a licensed graduate social worker (LGSW). Amends § 148E.055 by adding subd. 3a. Clarifies requirements for applicants for licensure by endorsement as a licensed graduate social worker, with a credential from another jurisdiction.</p>
20	<p>Qualifications for licensure by examination as a licensed independent social worker (LISW). Amends § 148E.055, subd. 4. Makes clarifying changes; adds cross-reference for criminal background checks. Removes paragraphs relating to applications, supervised practice requirements, and licensure and examination requirements.</p>
21	<p>Qualifications for licensure by endorsement as a licensed independent social worker (LISW). Amends § 148E.055 by adding subd. 4a. Clarifies requirements for applicants for licensure by endorsement as a licensed independent social worker, with a credential from another jurisdiction.</p>
22	<p>Qualifications for licensure by examination as a licensed independent clinical social worker (LICSW). Amends § 148E.055, subd. 5. Makes clarifying changes; adds cross-reference for criminal background checks; requires certification and verification of clinical clock hours; increases continuing education hours from 90 to 120. Removes paragraphs relating to applications, supervised practice requirements, and licensure and examination requirements.</p>

Section	Description
23	<p>Qualifications for licensure by endorsement as a licensed independent clinical social worker (LICSW).</p> <p>Amends § 148E.055 by adding subd. 5a. Clarifies requirements for applicants for licensure by endorsement as a licensed independent clinical social worker, with a credential from another jurisdiction.</p>
24	<p>Degrees from outside United States or Canada.</p> <p>Amends § 148E.055, subd. 6. Removes paragraph reference.</p>
25	<p>Void application.</p> <p>Amends § 148E.055 by adding subd. 8a. Specifies what constitutes a void application, to be returned to the applicant. Clarified and moved from previous subdivisions.</p>
26	<p>Investigation.</p> <p>Amends § 148E.055 by adding subd. 8b. Specifies that an applicant authorizes the board to investigate and request additional information to verify license qualification. Clarified and moved from previous subdivisions.</p>
27	<p>Application time limit.</p> <p>Amends § 148E.055 by adding subd. 8c. Requires all requirements to be met within one year of the date the board receives an application for licensure. Clarified and moved from previous subdivisions.</p>
28	<p>Effective date.</p> <p>Amends § 148E.055, subd. 9. Makes clarifying changes.</p>
29	<p>Expiration date.</p> <p>Amends § 148E.055, subd. 10. Makes clarifying change.</p>
30	<p>Change in license.</p> <p>Amends § 148E.055, subd. 11. Makes clarifying changes.</p>
31	<p>Students or persons not currently licensed in other jurisdiction.</p> <p>Amends § 148E.060, subd. 1. Makes clarifying changes for temporary license issuance to students or otherwise unlicensed persons meeting certain requirements. Specifies effective dates for temporary licenses, and restrictions on title usage and practice.</p>

Section	Description
32	<p>Persons currently licensed in another jurisdiction.</p> <p>Amends § 148E.060, subd. 2. Makes clarifying changes for temporary license issuance for persons credentialed to practice in another jurisdiction meeting certain requirements. Specifies effective dates for temporary licenses, and restrictions on title usage and practice.</p>
33	<p>Applicants graduating from programs in candidacy status.</p> <p>Amends § 148E.060, subd. 2a. Makes clarifying changes for temporary license issuance for applicants who are students or graduates in candidacy status. Specifies effective dates for temporary licenses, and restrictions on title usage and practice.</p>
34	<p>License renewal notices.</p> <p>Amends § 148E.070, subd. 2. Clarifies license renewal notice provision to allow electronic notice.</p>
35	<p>Submitting license renewal applications.</p> <p>Amends § 148E.070, subd. 3. Makes clarifying changes, updates references.</p>
36	<p>Expired license.</p> <p>Amends § 148E.070, subd. 5. Makes clarifying changes.</p>
37	<p>Temporary leave license status.</p> <p>Proposes coding for § 148E.0751. Creates new temporary leave license status, for persons not engaged in the practice of social work, for up to four consecutive years. Provides for return to active status, specifies prohibited practices and title usage, and allows the board to resolve pending complaints against a licensee before approving an application for temporary leave license status.</p>
38	<p>Emeritus inactive license status.</p> <p>Proposes coding for § 148E.0752. Creates new emeritus inactive license status, for persons retired from the practice of social work. Provides for return to active status within four years, specifies prohibited practices and title usage, and allows the board to resolve pending complaints against a licensee before approving an application for emeritus inactive license status.</p>
39	<p>Emeritus active license status.</p> <p>Proposes coding for § 148E.0753. Creates new emeritus active license status, for persons retired from the practice of social work, but who engage in permitted limited practice, outlined in subdivision 2. Provides for renewal and return to active license status, specifies title usage, and allows the board to resolve pending complaints against a licensee before approving an application for emeritus active license status.</p>

Section	Description
40	Reactivations. Amends § 148E.080. Removes subdivision relating to mailing notices to licensees on temporary leave; adds subdivision providing for reactivation from temporary leave license status. Clarifies provisions for reactivation from emeritus inactive license status, restoration of an expired license, continuing education requirements upon reactivation, restoration of a voluntarily terminated license, and reactivation from emeritus active status.
41	Voluntary termination license status. Amends § 148E.085. Makes clarifying changes and specifies application requirements for voluntary termination of a license. Provides for return to active license status, specifies prohibited title usage, and allows the board to resolve pending complaints against a licensee before approving a request for voluntary termination.
42	License wall certificate. Amends § 148E.095, subd. 1. Clarifies process for request for duplicate license wall certificate.
43	Total clock hours required. Amends § 148E.130, subd. 1. Clarifies continuing education clock hours requirements, and specifies subjects that must be completed.
44	Acceptable content. Amends § 148E.130 by adding subd. 8. Specifies basic requirements for continuing education content.
45	Acceptable continuing education activities. Amends § 148E.130 by adding subd. 9. Lists activities that are considered for continuing education, and providers through which activities may be completed.
46	Extension. Amends § 148E.130 by adding subd. 10. Allows the board to grant a one-time extension to complete continuing education hours at the time of licensure renewal.
47	Records retention; licensees. Amends § 148E.130 by adding subd. 11. Requires licensees to maintain documentation of continuing education clock hours for one year following the licensee's license expiration date. Specifies information that must be documented.

Section	Description
48	Audits. Amends § 148E.130 by adding subd. 12. Allows the board to audit licensees at the time of renewal or reactivation to determine compliance with continuing education requirements.
49	Continuing education providers. Amends § 148E.145. Specifies requirements for board approval of continuing education providers; makes clarifying changes; requires providers to maintain specified information for three years after each program activity; allows the board to audit providers to determine compliance; allows the board to revoke approval.
50	Repealer. Repeals §§ 148E.045; 148E.055, subdivisions 7 and 8; 148E.060, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13; 148E.075, subdivisions 1, 1a, 1b, 2, 3, and 8; 148E.095, subdivision 2; 148E.130, subdivisions 2, 3, 4, 5, 6, and 7; 148E.135; 148E.140; 148E.150; 148E.155; 148E.160; 148E.165; and 148E.170.

Article 4: Board of Dentistry

This article modifies requirements for dental professionals to display licensing and renewal certificates.

Section	Description
1	Display of name and certificates. Amends § 150A.06, subd. 6. Modifies display requirements so that dentists, dental therapists, dental hygienists, and dental assistants must display their licensing renewal certificate. Specifies that duplicate certificates may be obtained. Requires the board to allow the display of a mini-license for volunteer guest license holders, and specifies that there is no fee for those mini-licenses.

Article 5: Reemploying Retired Members of PERA and MSRS

This article outlines requirements relating to retirement annuities for retired state or public employee health care workers who are reemployed by a public employer during a peacetime emergency.

Section	Description
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1	Permitting payment of retirement annuity during period of employment as a health care worker during a peacetime emergency.
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Subd. 1. Definitions. Defines the following terms for purposes of this section:

“Health care worker”

“Peacetime emergency”

“Public employer”

“Reemployment year”

Subd. 2. Health care workers to continue receiving retirement annuities.

Paragraph (a) allows a person to continue to receive a retirement annuity if: (1) the person is receiving an annuity and has not been employed in public service for at least 30 days or has been retired for at least 30 days and will begin to receive a retirement annuity from a public or state employee pension plan; and (2) the person is hired or rehired by a public employer as a healthcare worker during a peacetime emergency.

Paragraph (b) specifies that a person eligible under paragraph (a) is exempt from statutes relating to reemployment of annuitants, and that the monthly annuity amount will not change as a result of reemployment during a peacetime emergency.

Paragraph (c) allows a public employer to hire or rehire a person under this subdivision without the employer or employee having to comply with statutes relating to post-retirement options for public or state employees.

Subd. 3. No limitation on hours or percentage of time worked under a postretirement option. Paragraph (a) specifies that a health care worker who entered into a phased retirement agreement or post-retirement option position before the peacetime emergency will not be subject to any limitation on hours or percentage of time worked during the reemployment year for the peacetime emergency.

Paragraph (b) specifies that the health care worker will continue to be covered by the phased retirement agreement or post-retirement option after the expiration of the peacetime emergency, if the health care worker elects to continue employment.

Paragraph (c) requires that the period of employment during a peacetime emergency be added to and extend the period of employment governed by the worker’s phased retirement agreement or post-retirement option.

Section **Description**

Paragraph (d) specifies that statutory provisions prohibiting the crediting of additional service toward the health care worker's annuity and prohibiting employee or employer contributions during a phased retirement agreement or post-retirement option shall apply during a peacetime emergency. Specifies that the health care worker's monthly annuity amount will not change as a result of employment during a peacetime emergency.

Paragraph (e) clarifies that nothing in this section shall terminate a phased retirement agreement or post-retirement option.

Subd. 4. Expiration date. Specifies that this section expires on December 31 of the year in which the peacetime emergency ends.

Makes this section effective the day following final enactment.



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