

1.1 A bill for an act

1.2 relating to health; requiring reporting of diverted narcotics or controlled  
1.3 substances; amending Minnesota Statutes 2012, section 214.33, by adding a  
1.4 subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 214.33, is amended by adding a  
1.7 subdivision to read:

1.8 Subd. 5. **Employer mandatory reporting.** (a) An employer of a person regulated  
1.9 by a health-related licensing board, and a health care institution or other organization  
1.10 where the regulated person is engaged in providing services, must report to the appropriate  
1.11 licensing board that a regulated person has diverted narcotics or other controlled  
1.12 substances in violation of state or federal narcotics or controlled substance law if:

1.13 (1) the employer, health care institution, or organization making the report has  
1.14 knowledge of the diversion; and

1.15 (2) the regulated person has diverted narcotics or other controlled substances  
1.16 from the reporting employer, health care institution, or organization, or at the reporting  
1.17 institution or organization.

1.18 (b) The requirement to report under this subdivision does not apply if:

1.19 (1) the regulated person is self-employed;

1.20 (2) the knowledge was obtained in the course of a professional-patient relationship  
1.21 and the patient is regulated by the health-related licensing board; or

1.22 (3) knowledge of the diversion first becomes known to the employer, health care  
1.23 institution, or other organization, either from (i) an individual who is serving as a work  
1.24 site monitor approved by the health professional services program for the regulated

2.1 person who has self-reported to the health professional services program, and who  
2.2 has returned to work pursuant to a health professional services program participation  
2.3 agreement and monitoring plan; or (ii) the regulated person who has self-reported to the  
2.4 health professional services program and who has returned to work pursuant to the health  
2.5 professional services program participation agreement and monitoring plan.

2.6 (c) Complying with subdivision 1 does not waive the requirement to report under  
2.7 this subdivision.