

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3071

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| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|--|
| 02/10/2022 | 4972 | Introduction and first reading Referred to Health and Human Services Finance and Policy |
| 02/24/2022 | 5131 | Author added Benson |
| 03/02/2022 | 5190 | Author added Klein |
| 03/24/2022 | 5587a | Comm report: To pass as amended |
| | 5609 | Second reading |
| 05/16/2022 | 8439 | Special Order |
| | 8439 | Third reading Passed |

1.1 A bill for an act

1.2 relating to occupational licensing; requiring the Board of Medical Practice to issue

1.3 temporary permits to physicians, physician assistants, and respiratory therapists

1.4 if certain requirements are met; extending the time a temporary permit issued by

1.5 the Board of Nursing is valid; amending Minnesota Statutes 2020, sections 147.01,

1.6 subdivision 7; 147.03, subdivisions 1, 2; 147.037; 147A.28; 147C.15, subdivision

1.7 3; 147C.40, subdivision 5; 148.212, subdivision 1; proposing coding for new law

1.8 in Minnesota Statutes, chapter 147A; repealing Minnesota Statutes 2020, section

1.9 147.02, subdivision 2a.

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

1.11 Section 1. Minnesota Statutes 2020, section 147.01, subdivision 7, is amended to read:

1.12 Subd. 7. **Physician application and license fees.** (a) The board may charge the following

1.13 nonrefundable application and license fees processed pursuant to sections 147.02, 147.03,

1.14 147.037, 147.0375, and 147.38:

1.15 (1) physician application fee, \$200;

1.16 (2) physician annual registration renewal fee, \$192;

1.17 (3) physician endorsement to other states, \$40;

1.18 (4) physician emeritus license, \$50;

1.19 ~~(5) physician temporary license, \$60;~~

1.20 ~~(6)~~ (5) physician late fee, \$60;

1.21 ~~(7)~~ (6) duplicate license fee, \$20;

1.22 ~~(8)~~ (7) certification letter fee, \$25;

1.23 ~~(9)~~ (8) education or training program approval fee, \$100;

2.1 ~~(10)~~ (9) report creation and generation fee, \$60 per hour;

2.2 ~~(11)~~ (10) examination administration fee (half day), \$50;

2.3 ~~(12)~~ (11) examination administration fee (full day), \$80;

2.4 ~~(13)~~ (12) fees developed by the Interstate Commission for determining physician
2.5 qualification to register and participate in the interstate medical licensure compact, as
2.6 established in rules authorized in and pursuant to section 147.38, not to exceed \$1,000; and

2.7 ~~(14)~~ (13) verification fee, \$25.

2.8 (b) The board may prorate the initial annual license fee. All licensees are required to
2.9 pay the full fee upon license renewal. The revenue generated from the fee must be deposited
2.10 in an account in the state government special revenue fund.

2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.12 Sec. 2. Minnesota Statutes 2020, section 147.03, subdivision 1, is amended to read:

2.13 Subdivision 1. **Endorsement; reciprocity.** (a) The board may issue a license to practice
2.14 medicine to any person who satisfies the requirements in paragraphs (b) to (e).

2.15 (b) The applicant shall satisfy all the requirements established in section 147.02,
2.16 subdivision 1, paragraphs (a), (b), (d), (e), and (f), or section 147.037, subdivision 1,
2.17 paragraphs (a) to (e).

2.18 (c) The applicant shall:

2.19 (1) have passed an examination prepared and graded by the Federation of State Medical
2.20 Boards, the National Board of Medical Examiners, or the United States Medical Licensing
2.21 Examination (USMLE) program in accordance with section 147.02, subdivision 1, paragraph
2.22 (c), clause (2); the National Board of Osteopathic Medical Examiners; or the Medical Council
2.23 of Canada; and

2.24 (2) have a current license from the equivalent licensing agency in another state or Canada
2.25 and, if the examination in clause (1) was passed more than ten years ago, either:

2.26 (i) pass the Special Purpose Examination of the Federation of State Medical Boards with
2.27 a score of 75 or better within three attempts; or

2.28 (ii) have a current certification by a specialty board of the American Board of Medical
2.29 Specialties, of the American Osteopathic Association, the Royal College of Physicians and
2.30 Surgeons of Canada, or of the College of Family Physicians of Canada; or

3.1 (3) if the applicant fails to meet the requirement established in section 147.02, subdivision
 3.2 1, paragraph (c), clause (2), because the applicant failed to pass each of steps one, two, and
 3.3 three of the USMLE within the required three attempts, the applicant may be granted a
 3.4 license provided the applicant:

3.5 (i) has passed each of steps one, two, and three with passing scores as recommended by
 3.6 the USMLE program within no more than four attempts for any of the three steps;

3.7 (ii) is currently licensed in another state; and

3.8 (iii) has current certification by a specialty board of the American Board of Medical
 3.9 Specialties, the American Osteopathic Association Bureau of Professional Education, the
 3.10 Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians
 3.11 of Canada.

3.12 (d) The applicant must not be under license suspension or revocation by the licensing
 3.13 board of the state or jurisdiction in which the conduct that caused the suspension or revocation
 3.14 occurred.

3.15 (e) The applicant must not have engaged in conduct warranting disciplinary action against
 3.16 a licensee, or have been subject to disciplinary action other than as specified in paragraph
 3.17 (d). If an applicant does not satisfy the requirements stated in this paragraph, the board may
 3.18 issue a license only on the applicant's showing that the public will be protected through
 3.19 issuance of a license with conditions or limitations the board considers appropriate.

3.20 (f) Upon the request of an applicant, the board may conduct the final interview of the
 3.21 applicant by teleconference.

3.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.23 Sec. 3. Minnesota Statutes 2020, section 147.03, subdivision 2, is amended to read:

3.24 Subd. 2. **Temporary permit.** (a) An applicant for licensure under this section may
 3.25 request the board to issue a temporary permit in accordance with this subdivision. Upon
 3.26 receipt of the application for licensure, a request for a temporary permit, and a nonrefundable
 3.27 physician application fee specified under section 147.01, subdivision 7, the board may issue
 3.28 a temporary permit to practice medicine to as a physician eligible for licensure under this
 3.29 section only if the application for licensure is complete, all requirements in subdivision 1
 3.30 have been met, and a nonrefundable fee set by the board has been paid if the applicant is:

3.31 (1) currently licensed in good standing to practice medicine as a physician in another
 3.32 state, territory, or Canadian province; and

4.1 (2) not the subject of a pending investigation or disciplinary action in any state, territory,
4.2 or Canadian province.

4.3 The permit remains (b) A temporary permit issued under this subdivision is nonrenewable
4.4 and shall be valid only until the meeting of the board at which a decision is made on the
4.5 physician's application for licensure or for 90 days, whichever occurs first.

4.6 (c) The board may revoke a temporary permit that has been issued under this subdivision
4.7 if the physician is the subject of an investigation or disciplinary action, or is disqualified
4.8 for licensure for any other reason.

4.9 (d) Notwithstanding section 13.41, subdivision 2, the board may release information
4.10 regarding action taken by the board pursuant to this subdivision.

4.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.12 Sec. 4. Minnesota Statutes 2020, section 147.037, is amended to read:

4.13 **147.037 LICENSING OF FOREIGN MEDICAL SCHOOL GRADUATES;**
4.14 **~~TEMPORARY PERMIT.~~**

4.15 Subdivision 1. **Requirements.** The board shall issue a license to practice medicine to
4.16 any person who satisfies the requirements in paragraphs (a) to (g).

4.17 (a) The applicant shall satisfy all the requirements established in section 147.02,
4.18 subdivision 1, paragraphs (a), (e), (f), (g), and (h).

4.19 (b) The applicant shall present evidence satisfactory to the board that the applicant is a
4.20 graduate of a medical or osteopathic school approved by the board as equivalent to accredited
4.21 United States or Canadian schools based upon its faculty, curriculum, facilities, accreditation,
4.22 or other relevant data. If the applicant is a graduate of a medical or osteopathic program
4.23 that is not accredited by the Liaison Committee for Medical Education or the American
4.24 Osteopathic Association, the applicant may use the Federation of State Medical Boards'
4.25 Federation Credentials Verification Service (FCVS) or its successor. If the applicant uses
4.26 this service as allowed under this paragraph, the physician application fee may be less than
4.27 \$200 but must not exceed the cost of administering this paragraph.

4.28 (c) The applicant shall present evidence satisfactory to the board that the applicant has
4.29 been awarded a certificate by the Educational Council for Foreign Medical Graduates, and
4.30 the applicant has a working ability in the English language sufficient to communicate with
4.31 patients and physicians and to engage in the practice of medicine.

5.1 (d) The applicant shall present evidence satisfactory to the board of the completion of
5.2 one year of graduate, clinical medical training in a program accredited by a national
5.3 accrediting organization approved by the board or other graduate training approved in
5.4 advance by the board as meeting standards similar to those of a national accrediting
5.5 organization. This requirement does not apply:

5.6 (1) to an applicant who is admitted as a permanent immigrant to the United States on or
5.7 before October 1, 1991, as a person of exceptional ability in the sciences according to Code
5.8 of Federal Regulations, title 20, section 656.22(d); or

5.9 (2) to an applicant holding a valid license to practice medicine in another country and
5.10 issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary ability
5.11 in the field of science or as an outstanding professor or researcher according to Code of
5.12 Federal Regulations, title 8, section 204.5(h) and (i), or a temporary nonimmigrant visa as
5.13 a person of extraordinary ability in the field of science according to Code of Federal
5.14 Regulations, title 8, section 214.2(o),
5.15 provided that a person under clause (1) or (2) is admitted pursuant to rules of the United
5.16 States Department of Labor.

5.17 (e) The applicant must:

5.18 (1) have passed an examination prepared and graded by the Federation of State Medical
5.19 Boards, the United States Medical Licensing Examination program in accordance with
5.20 section 147.02, subdivision 1, paragraph (c), clause (2), or the Medical Council of Canada;
5.21 and

5.22 (2) if the examination in clause (1) was passed more than ten years ago, either:

5.23 (i) pass the Special Purpose Examination of the Federation of State Medical Boards with
5.24 a score of 75 or better within three attempts; or

5.25 (ii) have a current certification by a specialty board of the American Board of Medical
5.26 Specialties, of the American Osteopathic Association, of the Royal College of Physicians
5.27 and Surgeons of Canada, or of the College of Family Physicians of Canada; or

5.28 (3) if the applicant fails to meet the requirement established in section 147.02, subdivision
5.29 1, paragraph (c), clause (2), because the applicant failed to pass each of steps one, two, and
5.30 three of the USMLE within the required three attempts, the applicant may be granted a
5.31 license provided the applicant:

5.32 (i) has passed each of steps one, two, and three with passing scores as recommended by
5.33 the USMLE program within no more than four attempts for any of the three steps;

6.1 (ii) is currently licensed in another state; and

6.2 (iii) has current certification by a specialty board of the American Board of Medical
6.3 Specialties, the American Osteopathic Association, the Royal College of Physicians and
6.4 Surgeons of Canada, or the College of Family Physicians of Canada.

6.5 (f) The applicant must not be under license suspension or revocation by the licensing
6.6 board of the state or jurisdiction in which the conduct that caused the suspension or revocation
6.7 occurred.

6.8 (g) The applicant must not have engaged in conduct warranting disciplinary action
6.9 against a licensee, or have been subject to disciplinary action other than as specified in
6.10 paragraph (f). If an applicant does not satisfy the requirements stated in this paragraph, the
6.11 board may issue a license only on the applicant's showing that the public will be protected
6.12 through issuance of a license with conditions or limitations the board considers appropriate.

6.13 ~~Subd. 1a. **Temporary permit.** The board may issue a temporary permit to practice
6.14 medicine to a physician eligible for licensure under this section only if the application for
6.15 licensure is complete, all requirements in subdivision 1 have been met, and a nonrefundable
6.16 fee set by the board has been paid. The permit remains valid only until the meeting of the
6.17 board at which a decision is made on the physician's application for licensure.~~

6.18 Subd. 2. **Medical school review.** The board may contract with any qualified person or
6.19 organization for the performance of a review or investigation, including site visits if
6.20 necessary, of any medical or osteopathic school prior to approving the school under section
6.21 147.02, subdivision 1, paragraph (b), or subdivision 1, paragraph (b), of this section. To the
6.22 extent possible, the board shall require the school being reviewed to pay the costs of the
6.23 review or investigation.

6.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.25 Sec. 5. **[147A.025] TEMPORARY PERMIT.**

6.26 (a) An applicant for licensure under section 147A.02, may request the board to issue a
6.27 temporary permit in accordance with this section. Upon receipt of the application for
6.28 licensure, a request for a temporary permit, and a nonrefundable physician assistant
6.29 application fee as specified under section 147A.28, the board may issue a temporary permit
6.30 to practice as a physician assistant if the applicant is:

6.31 (1) currently licensed in good standing to practice as a physician assistant in another
6.32 state, territory, or Canadian province; and

7.1 (2) not subject to a pending investigation or disciplinary action in any state, territory, or
 7.2 Canadian province.

7.3 (b) A temporary permit issued under this section is nonrenewable and shall be valid until
 7.4 a decision is made on the physician assistant's application for licensure or for 90 days,
 7.5 whichever occurs first.

7.6 (c) The board may revoke the temporary permit that has been issued under this section
 7.7 if the applicant is the subject of an investigation or disciplinary action or is disqualified for
 7.8 licensure for any other reason.

7.9 (d) Notwithstanding section 13.41, subdivision 2, the board may release information
 7.10 regarding any action taken by the board pursuant to this section.

7.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.12 Sec. 6. Minnesota Statutes 2020, section 147A.28, is amended to read:

7.13 **147A.28 PHYSICIAN ASSISTANT APPLICATION AND LICENSE FEES.**

7.14 (a) The board may charge the following nonrefundable fees:

7.15 (1) physician assistant application fee, \$120;

7.16 ~~(2) physician assistant annual registration renewal fee (prescribing authority), \$135;~~

7.17 ~~(3)~~ (2) physician assistant annual registration license renewal fee (no prescribing
 7.18 authority), \$115;

7.19 ~~(4) physician assistant temporary registration, \$115;~~

7.20 ~~(5) physician assistant temporary permit, \$60;~~

7.21 ~~(6)~~ (3) physician assistant locum tenens permit, \$25;

7.22 ~~(7)~~ (4) physician assistant late fee, \$50;

7.23 ~~(8)~~ (5) duplicate license fee, \$20;

7.24 ~~(9)~~ (6) certification letter fee, \$25;

7.25 ~~(10)~~ (7) education or training program approval fee, \$100;

7.26 ~~(11)~~ (8) report creation and generation fee, \$60 per hour; and

7.27 ~~(12)~~ (9) verification fee, \$25.

8.1 (b) The board may prorate the initial annual license fee. All licensees are required to
 8.2 pay the full fee upon license renewal. The revenue generated from the fees must be deposited
 8.3 in an account in the state government special revenue fund.

8.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.5 Sec. 7. Minnesota Statutes 2020, section 147C.15, subdivision 3, is amended to read:

8.6 Subd. 3. **Temporary permit.** (a) An applicant for licensure under this section may
 8.7 request the board to issue a temporary permit in accordance with this subdivision. Upon
 8.8 receipt of the application for licensure, a request for a temporary permit, and a nonrefundable
 8.9 respiratory therapist application fee as specified under section 147C.40, subdivision 5, the
 8.10 board may issue a temporary permit to practice as a respiratory therapist to an applicant
 8.11 eligible for licensure under this section if the application for licensure is complete, all
 8.12 applicable requirements in this section have been met, and a nonrefundable fee set by the
 8.13 board has been paid applicant is:

8.14 (1) currently licensed to practice as a respiratory therapist in another state, territory, or
 8.15 Canadian province; and

8.16 (2) not subject to a pending investigation or disciplinary action in any state, territory, or
 8.17 Canadian province.

8.18 ~~The~~ (b) A temporary permit remains issued under this subdivision is nonrenewable and
 8.19 shall remain valid only until the meeting of the board at which a decision is made on the
 8.20 respiratory therapist's application for licensure or for 90 days, whichever occurs first.

8.21 (c) The board may revoke a temporary permit that has been issued under this subdivision
 8.22 if the applicant is the subject of an investigation or disciplinary action or is disqualified for
 8.23 licensure for any other reason.

8.24 (d) Notwithstanding section 13.41, subdivision 2, the board may release information
 8.25 regarding any action taken by a board pursuant to this section.

8.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.27 Sec. 8. Minnesota Statutes 2020, section 147C.40, subdivision 5, is amended to read:

8.28 Subd. 5. **Respiratory therapist application and license fees.** (a) The board may charge
 8.29 the following nonrefundable fees:

8.30 (1) respiratory therapist application fee, \$100;

8.31 (2) respiratory therapist annual registration renewal fee, \$90;

- 9.1 (3) respiratory therapist inactive status fee, \$50;
- 9.2 (4) respiratory therapist temporary registration fee, \$90;
- 9.3 ~~(5) respiratory therapist temporary permit, \$60;~~
- 9.4 ~~(6)~~ (5) respiratory therapist late fee, \$50;
- 9.5 ~~(7)~~ (6) duplicate license fee, \$20;
- 9.6 ~~(8)~~ (7) certification letter fee, \$25;
- 9.7 ~~(9)~~ (8) education or training program approval fee, \$100;
- 9.8 ~~(10)~~ (9) report creation and generation fee, \$60 per hour; and
- 9.9 ~~(11)~~ (10) verification fee, \$25.

- 9.10 (b) The board may prorate the initial annual license fee. All licensees are required to
- 9.11 pay the full fee upon license renewal. The revenue generated from the fees must be deposited
- 9.12 in an account in the state government special revenue fund.

- 9.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

- 9.14 Sec. 9. Minnesota Statutes 2020, section 148.212, subdivision 1, is amended to read:

- 9.15 Subdivision 1. **Issuance.** Upon receipt of the applicable licensure or reregistration fee
- 9.16 and permit fee, and in accordance with rules of the board, the board may issue a nonrenewable
- 9.17 temporary permit to practice professional or practical nursing to an applicant for licensure
- 9.18 or reregistration who is not the subject of a pending investigation or disciplinary action, nor
- 9.19 disqualified for any other reason, under the following circumstances:

- 9.20 (a) The applicant for licensure by endorsement under section 148.211, subdivision 2, is
- 9.21 currently licensed to practice professional or practical nursing in another state, territory, or
- 9.22 Canadian province. The permit is valid until the date of board action on the application or
- 9.23 for ~~60~~ 90 days, whichever comes first.

- 9.24 (b) The applicant for licensure by endorsement under section 148.211, subdivision 2,
- 9.25 or for reregistration under section 148.231, subdivision 5, is currently registered in a formal,
- 9.26 structured refresher course or its equivalent for nurses that includes clinical practice.

- 9.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

- 9.28 Sec. 10. **REPEALER.**

- 9.29 Minnesota Statutes 2020, section 147.02, subdivision 2a, is repealed.

10.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

147.02 EXAMINATION; LICENSING.

Subd. 2a. **Temporary permit.** The board may issue a temporary permit to practice medicine to a physician eligible for licensure under this section only if the application for licensure is complete, all requirements in subdivision 1 have been met, and a nonrefundable fee set by the board has been paid. The permit remains valid only until the meeting of the board at which a decision is made on the physician's application for licensure.