

CHAPTER 549—S.F.No. 335

An act relating to occupations and professions; regulating continuing education for physical therapists; specifying the amounts of certain fees; specifying certain grounds for disciplinary action; prohibiting certain business relationships in the practice of physical therapy; regulating physical therapy treatment without referral by a physician; amending Minnesota Statutes 1986, sections 148.70; 148.73; 148.74; 148.75; and 148.76, subdivision 2.

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

Section 1. Minnesota Statutes 1986, section 148.70, is amended to read:

148.70 APPLICANTS, QUALIFICATIONS.

It shall be the duty of the board of medical examiners with the advice and assistance of the physical therapy council to pass upon the qualifications of applicants for registration, continuing education requirements for reregistration, provide for and conduct all examinations following satisfactory completion of all didactic requirements, determine the applicants who successfully pass the examination, and duly register such applicants after the applicant has presented evidence satisfactory to the board that the applicant has completed a program of education or continuing education approved by the board.

Sec. 2. Minnesota Statutes 1986, section 148.73, is amended to read:

148.73 RENEWALS.

Every registered physical therapist shall, during each January, apply to the board for an extension of registration and pay a fee in the amount set by the board. ~~Registration that is not so extended on or before January 31 each year, shall automatically lapse on said date. The board, in its discretion, may revive and extend a lapsed registration on the payment of the required fees. Registrants shall likewise pay the annual registration fee for the balance of the first year of their registration.~~ The extension of registration is contingent upon demonstration that the continuing education requirements set by the board under section 148.70 have been satisfied.

Sec. 3. Minnesota Statutes 1986, section 148.74, is amended to read:

148.74 RULES.

The board is authorized to adopt rules as may be necessary to carry out the purposes of sections 148.65 to 148.78. The secretary of the board shall keep a record of proceedings under these sections and a register of all persons registered under it. The register shall show the name, address, date and number of registration, and the renewal thereof. Any other interested person in the state may obtain a copy of such list on request to the board upon payment of an amount as may be fixed by the board, which shall not exceed the cost of the list so furnished. The board shall provide blanks, books, certificates, and stationery and assistance as is necessary for the transaction of the business of the board

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and the physical therapy council hereunder, and all money received by the board under sections 148.65 to 148.78 shall be paid into the state treasury as provided for by law. The board shall set by rule the amounts of the application fee and the annual registration fee. The fees collected by the board must be sufficient to cover the costs of administering sections 148.65 to 148.78.

Sec. 4. Minnesota Statutes 1986, section 148.75, is amended to read:

148.75 CERTIFICATES; DENIAL, SUSPENSION, REVOCATION.

The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend or revoke the registration of any physical therapist for any of the following grounds:

(a) using drugs or intoxicating liquors to an extent which affects professional competence;

(b) been convicted of a felony;

(c) conviction for violating any state or federal narcotic law;

(d) procuring, aiding or abetting a criminal abortion;

(e) registration or attempted registration by fraud or deception;

(f) conduct unbecoming a person registered as a physical therapist or conduct detrimental to the best interests of the public;

(g) gross negligence in the practice of physical therapy as a physical therapist;

(h) treating human ailments by physical therapy ~~treatment after an initial 30-day period of patient admittance to treatment has lapsed~~, except by the order or referral of a person licensed in this state to practice medicine as defined in section 147.10, the practice of chiropractic as defined in section 148.01, the practice of podiatry as defined in section 153.01, or the practice of dentistry as defined in section 150A.05 and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by board of medical examiners rule;

(i) treating human ailments without referral by physical therapy treatment without first having practiced one year under a physician's orders as verified by the board's records;

(j) failure to consult with the patient's health care provider who prescribed the physical therapy treatment if the treatment is altered by the physical therapist from the original written order. The provision does not include written orders specifying orders to "evaluate and treat";

(k) treating human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state;

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(~~l~~) (l) inappropriate delegation to a physical therapist assistant or inappropriate task assignment to an aide or inadequate supervision of either level of supportive personnel;

(~~e~~) (m) treating human ailments other than by performing physical therapy procedures unless duly licensed or registered to do so under the laws of this state;

(~~h~~) (n) practicing as a physical therapist performing medical diagnosis, the practice of medicine as defined in section 147.10, or the practice of chiropractic as defined in section 148.01;

(~~m~~) (o) failure to comply with a reasonable request to obtain appropriate clearance for mental or physical conditions which would interfere with the ability to practice physical therapy, and which may be potentially harmful to patients; ~~and~~

(~~n~~) (p) dividing fees with, or paying or promising to pay a commission or part of the fee to, any person who contacts the physical therapist for consultation or sends patients to the physical therapist for treatment;

(q) engaging in an incentive payment arrangement, other than that prohibited by clause (p), that tends to promote physical therapy over-utilization, whereby the referring person or person who controls the availability of physical therapy services to a client profits unreasonably as a result of patient treatment;

(r) practicing physical therapy and failing to refer to a licensed health care professional any patient whose medical condition at the time of evaluation has been determined by the physical therapist to be beyond the scope of practice of a physical therapist; and

(s) failure to report to the board other registered physical therapists who violate this section.

A certificate of registration to practice as a physical therapist is suspended if (1) a guardian of the person of the physical therapist is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a probate court pursuant to 253B or sections 526.09 to 526.11. The certificate of registration remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the board of medical examiners after a hearing.

Sec. 5. Minnesota Statutes 1986, section 148.76, subdivision 2, is amended to read:

Subd. 2. No physical therapist shall;

(a) treat human ailments by physical therapy ~~treatment after an initial 30-day period of patient admittance to treatment has lapsed~~, except by the order or referral of a person licensed in this state to practice medicine as defined in section 147.10, the practice of chiropractic as defined in section 148.01, the

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practice of podiatry as defined in section 153.01, or the practice of dentistry as defined in section 150A.05 and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by board of medical examiners rule;

(b) treat human ailments by physical therapy treatment without first having practiced one year under a physician's orders as verified by the board's records;

(c) utilize any chiropractic manipulative technique whose end is the chiropractic adjustment of an abnormal articulation of the body; and

(d) treat human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state.

Approved April 18, 1988

CHAPTER 550—S.F.No. 752

An act relating to occupations and professions; amending the laws regulating the practice of pharmacy; providing definitions; providing for registration of pharmacies, drug manufacturers, and others; providing for licensing of pharmacists; providing remedies for violations; amending Minnesota Statutes 1986, sections 151.01, subdivision 2, and by adding subdivisions; 151.04; 151.06, subdivision 1; 151.101; 151.15; 151.19; 151.211; 151.212, subdivision 1, and by adding a subdivision; 151.25; 151.26, subdivision 1; 151.32; 151.34; and 151.37; proposing coding for new law in Minnesota Statutes, chapter 151; repealing Minnesota Statutes 1986, sections 151.01, subdivision 4; 151.06, subdivision 2a; 151.11; 151.28; and 151.31.

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

Section 1. Minnesota Statutes 1986, section 151.01, subdivision 2, is amended to read:

Subd. 2. **PHARMACY.** ~~The term "pharmacy" means a drug store or other established place regularly registered by the state board of pharmacy, in which prescriptions, drugs, medicines, chemicals, and poisons are compounded, dispensed, vended, or sold at retail~~ "Pharmacy" means an established place of business in which prescriptions, drugs, medicines, chemicals, and poisons are prepared, compounded, dispensed, vended, or sold to or for the use of patients and from which related clinical pharmacy services are delivered.

Sec. 2. Minnesota Statutes 1986, section 151.01, is amended by adding a subdivision to read:

Subd. 27. PRACTICE OF PHARMACY. "Practice of pharmacy" means (1) the interpretation and evaluation of prescriptions or drug orders; (2) the

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