

Sec. 12. **EFFECTIVE DATES.**

Sections 2 and 4 to 8 do not affect any action or proceeding pending on their effective date or that is commenced before February 1, 1991, involving the validity of the termination or conveyance.

Section 3 is effective July 1, 1990.

Sections 10 and 11 are effective the day following final enactment.

Presented to the governor April 26, 1990

Signed by the governor May 4, 1990, 11:47 p.m.

CHAPTER 576—S.F.No. 2216

An act relating to occupations and professions; specifying requirements for membership of the board of medical examiners; containing procedural requirements for disciplinary actions; applying reporting requirements to other entities that provide professional liability coverage to physicians; amending Minnesota Statutes 1988, sections 147.01, subdivisions 1, 3, and 4; 147.09; 147.111, subdivision 5; repealing Minnesota Statutes 1988, sections 147.171; 147.24; 147.25; 147.26; 147.27; 147.28; 147.29; 147.30; 147.31; 147.32; 147.33; and Laws 1988, chapter 557, section 6.

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

Section 1. Minnesota Statutes 1988, section 147.01, subdivision 1, is amended to read:

Subdivision 1. **CREATION; TERMS.** The board of medical examiners consists of ~~++~~ 16 residents of the state of Minnesota appointed by the governor. ~~Seven~~ Ten board members must hold a degree of doctor of medicine and be licensed to practice medicine under this chapter. One board member must hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under this chapter. ~~Three~~ Five board members must be public members as defined by section 214.02. ~~One of the public members must represent a mental health and consumer advocacy organization~~ The governor is encouraged to make appointments to the board which reflect the geography of the state and a broad mix of expertise of the members. A member may serve ~~more than one term~~ be reappointed but shall not serve more than ~~two terms~~ eight years consecutively. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the

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review and processing of complaints; the setting of board fees; and other provisions relating to board operations are as provided in chapter 214 and Laws 1976, chapter 222, sections 2 to 7.

Sec. 2. Minnesota Statutes 1988, section 147.01, subdivision 3, is amended to read:

Subd. 3. **BOARD ADMINISTRATION.** The board shall elect from among its number a president, a vice-president, and a secretary-treasurer, who shall each serve for one year, or until a successor is elected and qualifies. The board shall have authority to adopt rules as may be found necessary to carry out the purposes of this chapter. The members of the board shall have authority to administer oaths and the board, in session, to take testimony as to matters pertaining to the duties of the board. ~~Six~~ Nine members of the board shall constitute a quorum for the transaction of business. The board shall have a common seal, which shall be kept by the executive secretary, whose duty it shall be to keep a record of all proceedings of the board, including a register of all applicants for license under this chapter, giving their names, addresses, ages, educational qualifications, and the result of their examination. These books and registers shall be prima facie evidence of all the matters therein recorded.

Sec. 3. Minnesota Statutes 1988, section 147.01, subdivision 4, is amended to read:

Subd. 4. **DISCLOSURE.** Subject to the exceptions listed in this subdivision, all communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction, ~~and all records of any action or proceedings thereon, except a final decision of the board,~~ are confidential and privileged and any disciplinary hearing shall be closed to the public.

(a) Upon application of a party in a proceeding before the board under section 147.091, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota rules of civil procedure.

(b) If the board imposes disciplinary measures of any kind, whether by contested case or by settlement agreement, the name and business address of the licensee, the nature of the misconduct, and the action taken by the board are public data. If disciplinary action is taken by settlement agreement, the entire agreement is public data.

(c) The board shall exchange information with other licensing boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (d), and may release information in the reports required under sections 147.02, subdivision 6, and 214.10, subdivision 8, paragraph (b).

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(d) The board shall furnish to a person who made a complaint a summary of the results of an investigation of that complaint, a description of the activities and actions of the board relating to that complaint, and the reasons for actions taken by the board.

Sec. 4. Minnesota Statutes 1988, section 147.09, is amended to read:

147.09 EXEMPTIONS.

Section 147.081 does not apply to, control, prevent or restrict the practice, service, or activities of:

(1) A person who is a commissioned medical officer of, a member of, or employed by, the armed forces of the United States, the United States Public Health Service, the Veterans Administration, any federal institution or any federal agency while engaged in the performance of official duties within this state, if the person is licensed elsewhere.

(2) A licensed physician from a state or country who is in actual consultation here.

(3) A licensed or registered physician who treats the physician's home state patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

(4) A student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized medical school.

(5) A student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any hospital or institution approved for training by the board.

(6) A person employed in a scientific, sanitary or teaching capacity by the state university, the state department of education, or by any public or private school, college, or other bona fide educational institution, or the state department of health, whose duties are entirely of a public health or educational character, while engaged in such duties.

(7) Physician's assistants registered in this state.

(8) A doctor of osteopathy duly licensed by the state board of osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with this chapter provided that the doctor confines activities within the scope of the license.

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(9) Any person licensed by a health related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, including licensed psychologists with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

(10) A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer, or who practices ritual circumcision pursuant to the requirements or tenets of any established religion.

(11) A physician licensed to practice medicine in another state who is in this state for the sole purpose of providing medical services at a competitive athletic event. The physician may practice medicine only on participants in the athletic event. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to adopt the contents of the form by rule. The physician shall provide evidence satisfactory to the board of a current unrestricted license in another state. The board shall charge a fee of \$50 for the registration.

Sec. 5. Minnesota Statutes 1988, section 147.111, subdivision 5, is amended to read:

Subd. 5. **INSURERS.** Four times each year as prescribed by the board, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to physicians, and any medical clinic, hospital, political subdivision or other entity that self-insures and provides professional liability coverage to physicians, shall submit to the board a report concerning the physicians against whom medical malpractice settlements or awards have been made to the plaintiff. The report must contain at least the following information:

(1) the total number of medical malpractice settlements or awards made to the plaintiff;

(2) the date the medical malpractice settlements or awards to the plaintiff were made;

(3) the allegations contained in the claim or complaint leading to the settlements or awards made to the plaintiff;

(4) the dollar amount of each medical malpractice settlement or award;

(5) the regular address of the practice of the physician against whom an award was made or with whom a settlement was made; and

(6) the name of the physician against whom an award was made or with whom a settlement was made.

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The insurance company shall, in addition to the above information, report to the board any information it possesses which tends to substantiate a charge that a physician may have engaged in conduct violating sections 147.01 to 147.33.

Sec. 6. REPEALER.

Subdivision 1. Minnesota Statutes 1988, sections 147.171, 147.24, 147.25, 147.26, 147.27, 147.28, 147.29, 147.30, 147.31, 147.32, and 147.33 are repealed.

Subd. 2. Laws 1988, chapter 557, section 6, is repealed.

Sec. 7. EFFECTIVE DATE.

Sections 4 and 6, subdivision 2, are effective the day after final enactment.

Presented to the governor April 28, 1990

Signed by the governor May 3, 1990, 5:35 p.m.

CHAPTER 577—S.F.No. 409

An act relating to employment; providing for certain employee leaves of absences; amending Minnesota Statutes 1988, sections 181.940; 181.941; 181.942; 181.943; and 181.944; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Section 1. Minnesota Statutes 1988, section 181.940, is amended to read:

181.940 DEFINITIONS.

Subdivision 1. **SCOPE.** For the purposes of sections 181.940 to 181.944, the ~~following~~ terms defined in this section have the meanings given to them ~~in this section.~~

Subd. 2. **EMPLOYEE.** "Employee" means a person who performs services for hire for an employer from whom a leave is requested under sections 181.940 to 181.944, for at least 12 consecutive months preceding the request, and for an average of 20 or more hours per week during those 12 months, and includes all individuals employed at any site owned or operated by ~~an~~ the employer. Employee does not include an independent contractor.

Subd. 3. **EMPLOYER.** "Employer" means a person or entity that employs 21 or more employees at at least one site ~~and, except that, for purposes of the school leave allowed under section 3,~~ "employer" means a person or entity that employs one or more employees in Minnesota. The term includes an individual,

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