

(c) It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of a school safety patrol or adult crossing guard, while the member of the school safety patrol or adult crossing guard is directing the movement of children across a street or highway and while the school safety patrol member or adult crossing guard is holding an official signal in the stop position. A person who violates this paragraph is guilty of a misdemeanor. A person who violates this paragraph a second or subsequent time within one year of a previous conviction under this paragraph is guilty of a gross misdemeanor.

(d) A person who violates this subdivision is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both. A person who violates this subdivision a second or subsequent time within one year of a previous conviction under this subdivision is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 2. Minnesota Statutes 1994, section 171.13, is amended by adding a subdivision to read:

Subd. 1g. **DRIVER'S MANUAL; CROSSWALK RIGHT-OF-WAY.** The commissioner shall include in each edition of the driver's manual published by the department after August 1, 1996, a section relating to the circumstances under which a driver must stop to yield the right-of-way to a pedestrian in a crosswalk and the penalties for failure to yield.

Sec. 3. **[169.219] PUBLIC SERVICE ANNOUNCEMENTS.**

The commissioner of public safety shall include in the department's series of public service announcements information that educates the public about traffic regulations that are frequently violated, including the requirement for a vehicle driver to stop to yield the right-of-way to a pedestrian in a crosswalk. The commissioner shall distribute these announcements for broadcast in this state on radio and television.

Sec. 4. **EFFECTIVE DATE.**

Section 1 is effective September 1, 1996, and applies to crimes committed on or after that date.

Presented to the governor March 15, 1996

Signed by the governor March 18, 1996, 10:07 a.m.

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**CHAPTER 334—S.F.No. 2332**

*An act relating to health professions; modifying provisions relating to sexual misconduct; amending Minnesota Statutes 1994, sections 13.99, subdivision 44; 147.01, subdivision 4; and 147.091, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147.*

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

Section 1. Minnesota Statutes 1994, section 13.99, subdivision 44, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 44. **RECORD OF PHYSICIAN DISCIPLINARY ACTION.** The administrative record of any disciplinary action taken by the board of medical practice under sections 147.01 to 147.22 is sealed upon judicial review as provided in section 147.151. Certain data relating to sexual misconduct are classified under sections 147.092 and 147.01.

Sec. 2. **[147.001] PURPOSE.**

The primary responsibility and obligation of the board of medical practice is to protect the public.

In the interest of public health, safety, and welfare, and to protect the public from the unprofessional, improper, incompetent, and unlawful practice of medicine, it is necessary to provide laws and regulations to govern the granting and subsequent use of the license to practice medicine.

Sec. 3. Minnesota Statutes 1994, 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 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. The board shall decide disciplinary matters, whether by settlement or by contested case, by roll call vote. The votes are 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).

(d) The board shall upon request furnish to a person who made a complaint, or the alleged victim of a violation of section 147.091, subdivision 1, paragraph (t), or both, a description of the activities and actions of the board relating to that 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.

(e) A probable cause hearing held pursuant to section 147.092 shall be closed to the public, except for the notices of hearing made public by operation of section 147.092.

(f) Findings of fact, conclusions, and recommendations issued by the administrative law judge, and transcripts of oral arguments before the board pursuant to a contested case proceeding in which an administrative law judge found a violation of section 147.091, subdivision 1, paragraph (t), are public data.

New language is indicated by underline, deletions by strikeout.

Sec. 4. Minnesota Statutes 1994, section 147.091, is amended by adding a subdivision to read:

Subd. 8. **LIMITATION.** No board proceeding against a regulated person shall be instituted unless commenced within seven years from the date of the commission of some portion of the offense or misconduct complained of except for alleged violations of subdivision 1, paragraph (t).

**Sec. 5. [147.092] PROBABLE CAUSE HEARING; SEXUAL MISCONDUCT.**

(a) In any contested case in which a violation of section 147.091, subdivision 1, paragraph (t), is charged all parties shall be afforded an opportunity for a probable cause hearing before an administrative law judge. The motion for a hearing must be made to the office of administrative hearings within 20 days of the filing date of the contested case and served upon the board upon filing. Any hearing shall be held within 30 days of the motion. The administrative law judge shall issue a decision within 20 days of completion of the probable cause hearing. If there is no request for a hearing, the portion of the notice of and order for hearing relating to allegations of sexual misconduct automatically becomes public.

(b) The scope of the probable cause hearing is confined to a review of the facts upon which the complaint review committee of the board based its determination that there was a reasonable belief that section 147.091, subdivision 1, paragraph (t), was violated. The administrative law judge shall determine whether there is a sufficient showing of probable cause to believe the licensee committed the violations listed in the notice of and order for hearing, and shall receive evidence offered in support or opposition. Each party may cross-examine any witnesses produced by the other. A finding of probable cause shall be based upon the entire record including reliable hearsay in whole or in part and requires only a preponderance of the evidence. The burden of proof rests with the board.

(c) Upon a showing of probable cause, that portion of the notice of and order for hearing filed by the board that pertains to the allegations of sexual misconduct, including the factual allegations that support the charge, become public data. In addition, the notice of and order for hearing may be amended. A finding of no probable cause by the administrative law judge is grounds for dismissal without prejudice. Nothing in this section shall prevent the board from reopening the investigation or filing charges based on the same subject matter at a later date.

Presented to the governor March 15, 1996

Signed by the governor March 18, 1996, 10:12 a.m.

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**CHAPTER 335—H.F.No. 2008**

*An act relating to insurance; health; regulating childbirth and postpartum care benefits; proposing coding for new law in Minnesota Statutes, chapter 62A.*

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

Section 1. **[62A.0411] MATERNITY CARE.**

New language is indicated by underline, deletions by ~~strikeout~~.