

the examination shall notify the proposed patient and the parent or legal guardian of this determination.

Presented to the governor April 8, 1999

Signed by the governor April 12, 1999, 2:05 p.m.

CHAPTER 33—H.F.No. 413

An act relating to professions; modifying certain licensing and registration requirements for physicians, acupuncturists, and athletic trainers; amending Minnesota Statutes 1998, sections 147.02, subdivision 1; 147.03, subdivision 1; 147.037, subdivision 1; 147B.02, subdivisions 4 and 9; 147B.05, subdivision 2; 148.7808, subdivisions 4 and 5; and 148.7815, subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1998, section 147.02, subdivision 1, is amended to read:

Subdivision 1. **UNITED STATES OR CANADIAN MEDICAL SCHOOL GRADUATES.** The board shall issue a license to practice medicine to a person who meets the requirements in paragraphs (a) to (h).

(a) An applicant for a license shall file a written application on forms provided by the board, showing to the board's satisfaction that the applicant is of good moral character and satisfies the requirements of this section.

(b) The applicant shall present evidence satisfactory to the board of being a graduate of a medical or osteopathic school located in the United States, its territories or Canada, and approved by the board based upon its faculty, curriculum, facilities, accreditation by a recognized national accrediting organization approved by the board, and other relevant data, or is currently enrolled in the final year of study at the school.

(c) The applicant must have passed an examination as described in ~~paragraph~~ clause (1) or (2).

(1) The applicant must have passed a comprehensive examination for initial licensure prepared and graded by the National Board of Medical Examiners or the Federation of State Medical Boards. The board shall by rule determine what constitutes a passing score in the examination.

(2) The applicant taking the United States Medical Licensing Examination (USMLE) must have passed steps one, two, and three within a seven-year period. This seven-year period begins when the applicant first passes either step one or two, as applicable. Applicants actively enrolled in or graduated from accredited MD/PhD, MD/JD, MD/MBA, or MD/MPH dual degree programs or osteopathic equivalents must have passed each of steps one, two, and three within three attempts in seven years plus the time taken to obtain the non-MD degree or ten years, whichever occurs first. The applicant must pass each of steps one, two, and three with passing scores as recommended by the USMLE program within three attempts. The applicant taking combinations of Federa-

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tion of State Medical Boards, National Board of Medical Examiners, and USMLE may be accepted only if the combination is approved by the board as comparable to existing comparable examination sequences and all examinations are completed prior to the year 2000.

(d) The applicant shall present evidence satisfactory to the board of the completion of one year of graduate, clinical medical training in a program accredited by a national accrediting organization approved by the board or other graduate training approved in advance by the board as meeting standards similar to those of a national accrediting organization.

(e) The applicant shall make arrangements with the executive director to appear in person before the board or its designated representative to show that the applicant satisfies the requirements of this section. The board may establish as internal operating procedures the procedures or requirements for the applicant's personal presentation.

(f) The applicant shall pay a fee established by the board by rule. The fee may not be refunded. Upon application or notice of license renewal, the board must provide notice to the applicant and to the person whose license is scheduled to be issued or renewed of any additional fees, surcharges, or other costs which the person is obligated to pay as a condition of licensure. The notice must:

- (1) state the dollar amount of the additional costs; and
- (2) clearly identify to the applicant the payment schedule of additional costs.

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

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

Sec. 2. Minnesota Statutes 1998, section 147.03, subdivision 1, is amended to read:

Subdivision 1. **ENDORSEMENT; RECIPROCITY.** (a) The board may issue a license to practice medicine to any person who satisfies the requirements in paragraphs (b) to (f).

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

(c) The applicant shall:

(1) within ten years prior to application have passed an examination prepared and graded by the Federation of State Medical Boards, the National Board of Medical Examiners, or the United States Medical Licensing Examination program, in accordance with section 147.02, subdivision 1, paragraph (c), clause (2); the National Board of Osteopathic Examiners; or the Medical Council of Canada; or and

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

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

(ii) have a current certification by a specialty board of the American Board of Medical Specialties, of the American Osteopathic Association Bureau of Professional Education, or of the Royal College of Physicians and Surgeons of Canada.

(d) The applicant shall pay a fee established by the board by rule. The fee may not be refunded.

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

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

Sec. 3. Minnesota Statutes 1998, section 147.037, subdivision 1, is amended to read:

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

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

(b) The applicant shall present evidence satisfactory to the board that the applicant is a graduate of a medical or osteopathic school approved by the board as equivalent to accredited United States or Canadian schools based upon its faculty, curriculum, facilities, accreditation, or other relevant data.

(c) The applicant shall present evidence satisfactory to the board that the applicant has been awarded a certificate by the educational council for foreign medical graduates, and the applicant has a working ability in the English language sufficient to communicate with patients and physicians and to engage in the practice of medicine.

(d) The applicant shall present evidence satisfactory to the board of the completion of two years of graduate, clinical medical training in a program located in the United States, its territories, or Canada and accredited by a national accrediting organization approved by the board. This requirement does not apply:

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

(2) to an applicant holding a valid license to practice medicine in another country and issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary ability in the field of science or as an outstanding professor or researcher according

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to Code of Federal Regulations, title 8, section 204.5(h) and (i), or a temporary nonimmigrant visa as a person of extraordinary ability in the field of science according to Code of Federal Regulations, title 8, section 214.2(o),

provided that a person under clause (1) or (2) is admitted pursuant to rules of the United States Department of Labor; ~~or meeting standards similar to those of a national accrediting organization; or~~

(3) to an applicant who is licensed in another state, has practiced five years without disciplinary action in the United States, its territories, or Canada, has completed one year of the graduate, clinical medical training required by this paragraph, and has passed the Special Purpose Examination of the Federation of State Medical Boards within three attempts in the 24 months before licensing.

(e) The applicant must:

(1) within ten years prior to application have passed an examination prepared and graded by the Federation of State Medical Boards, the United States Medical Licensing Examination program in accordance with section 147.02, subdivision 1, paragraph (c), clause (2), or the Medical Council of Canada; or and

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

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

(ii) have a current certification by a specialty board of the American Board of Medical Specialties, of the American Osteopathic Association Bureau of Professional Education, of the Royal College of Physicians and Surgeons of Canada, or of the College of Family Physicians of Canada.

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

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

Sec. 4. Minnesota Statutes 1998, section 147B.02, subdivision 4, is amended to read:

Subd. 4. **EXCEPTIONS.** (a) The following persons may practice acupuncture within the scope of their practice without an acupuncture license:

(1) a physician licensed under chapter 147;

(2) an osteopath licensed under chapter 147;

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(3) a chiropractor licensed under chapter 148;

(4) a person who is studying in a formal course of study or tutorial intern program approved by the acupuncture advisory council established in section 147B.05 so long as the person's acupuncture practice is supervised by a licensed acupuncturist or a person who is exempt under clause (5);

(5) a visiting acupuncturist practicing acupuncture within an instructional setting for the sole purpose of teaching at a school registered with the Minnesota higher education services office, who may practice without a license for a period of one year, with two one-year extensions permitted; and

(6) a visiting acupuncturist who is in the state for the sole purpose of providing a tutorial or workshop not to exceed 30 days in one calendar year.

(b) This chapter does not prohibit a person who does not have an acupuncturist license from practicing specific noninvasive techniques, such as acupressure, that are within the scope of practice as set forth in section 147B.06, subdivision 4.

Sec. 5. Minnesota Statutes 1998, section 147B.02, subdivision 9, is amended to read:

Subd. 9. **RENEWAL.** (a) To renew a license an applicant must:

(1) annually, or as determined by the board, complete a renewal application on a form provided by the board;

(2) submit the renewal fee;

(3) provide evidence annually of one hour of continuing education in the subject of infection control, including blood borne pathogen diseases;

(4) provide documentation of current and active NCCAOM certification; or

(5) if licensed under subdivision 5 or 6, meet ~~one-half the then current~~ same NCCAOM professional development activity requirements as those licensed under subdivision 7.

(b) An applicant shall submit any additional information requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 days after the board's request, or the renewal request is nullified.

Sec. 6. Minnesota Statutes 1998, section 147B.05, subdivision 2, is amended to read:

Subd. 2. **ADMINISTRATION; COMPENSATION; REMOVAL; QUORUM.** The advisory council is governed by section 15.059, except that the council does not expire until June 30, ~~1999~~ 2003.

Sec. 7. Minnesota Statutes 1998, section 148.7808, subdivision 4, is amended to read:

Subd. 4. **TEMPORARY REGISTRATION.** (a) The board may issue a temporary registration as an athletic trainer to qualified applicants. A temporary registration is issued for one year. An athletic trainer with a temporary registration may qualify for full registration after submission of verified documentation that the athletic trainer has

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achieved a qualifying score on a credentialing examination within one year after the date of the temporary registration. Temporary registration may not be renewed.

(b) Except as provided in subdivision 3, paragraph (a), clause (1), an applicant for temporary registration must submit the application materials and fees for registration required under subdivision 1, clauses (1) to (8) and (10) to (12).

(c) An athletic trainer with a temporary registration shall work only under the direct supervision of an athletic trainer registered under this section. No more than four athletic trainers with temporary registrations shall work under the direction of a registered athletic trainer.

Sec. 8. Minnesota Statutes 1998, section 148.7808, subdivision 5, is amended to read:

Subd. 5. **REGISTRATION; TRANSITION PERIOD TEMPORARY PERMIT.** (a) ~~For two years after the effective date of sections 148.7801 to 148.7815, an applicant who has not completed an accredited or approved education program and is not certified by the National Athletic Trainers Association, the Board of Certification, or other national accrediting organization approved by the board, may qualify for registration. The board shall notify potential applicants of the effective date of sections 148.7801 to 148.7815 and the final date for submitting an application for registration during this transition period. Applications for registration under this subdivision shall not be accepted after the expiration date of the two-year period.~~

(b) ~~An applicant for registration during the transition period must:~~

(1) ~~submit an application and fees required under subdivision 1, clauses (1) and (3) to (12);~~

(2) ~~submit documentation from a licensed medical physician verifying the athletic training services provided by the applicant and that the applicant has been employed in athletic training for no less than 24 hours per week for four of the five years immediately preceding the application; and~~

(3) ~~achieve a qualifying score on the written examination of the National Athletic Trainers Association Board of Certification during the two-year transition period. The board may issue a temporary permit to practice as an athletic trainer to an applicant eligible for registration under this section if the application for registration is complete, all applicable requirements in this section 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 athletic trainer's application for registration.~~

Sec. 9. Minnesota Statutes 1998, section 148.7815, subdivision 1, is amended to read:

Subdivision 1. **REGISTRATION FEE FEES.** The fee for registration under section 148.7808 and annual renewal under section 148.7809 is \$100. board shall establish fees as follows:

(1) application fee, \$50;

(2) annual registration fee, \$100;

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(3) temporary registration, \$100; and

(4) temporary permit, \$50.

Sec. 10. Minnesota Statutes 1998, section 148.7815, subdivision 2, is amended to read:

Subd. 2. **PRORATION OF FEES.** The board shall may prorate the fees initial annual fee for registration under section 148.7808 as follows:

(1) applicants for initial registration between July 1 and December 31 shall pay the full registration fee; and

(2) applicants for initial registration between January 1 and June 30 shall pay one-half the registration fee. Athletic trainers registered under section 148.7808 are required to pay the full fee upon registration renewal.

Presented to the governor April 8, 1999

Signed by the governor April 12, 1999, 2:06 p.m.

CHAPTER 34—H.F.No. 492

An act relating to education; authorizing building on a state university campus.

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

Section 1. **AUTHORIZATION.**

The Minnesota State University, Mankato foundation may build the Taylor center multipurpose facility for athletics and related academic programs on the Minnesota State University, Mankato campus at a site approved by the board of trustees of the Minnesota state colleges and universities. Prior to the beginning of construction, the board must approve the design and the foundation must agree to donate the building to the state. Title to the building shall pass to the state immediately upon donation.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor April 8, 1999

Signed by the governor April 12, 1999, 2:09 p.m.

CHAPTER 35—H.F.No. 766

An act relating to traffic regulations; authorizing blue lights on motorcycles as part of the rear brake light; amending Minnesota Statutes 1998, section 169.64, subdivision 4.

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

Section 1. Minnesota Statutes 1998, section 169.64, subdivision 4, is amended to read:

Subd. 4. **BLUE LIGHT.** (a) Except as provided in ~~paragraph~~ paragraphs (b) and (c), blue lights are prohibited on all vehicles except road maintenance equipment and snow

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