

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

Section 1. Minnesota Statutes 2002, section 626.11, is amended to read:

626.11 ISSUANCE OF WARRANT.

(a) If the judge is satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, the judge must issue a signed search warrant, naming the judge's judicial office, to a peace officer having jurisdiction in the area where the place to be searched is located, to an agent of the bureau of criminal apprehension, to an officer of the metropolitan transit police, or to an agent of the division of alcohol and gambling enforcement who is a licensed peace officer as defined in section 626.84, subdivision 1, paragraph (e) inside or outside the officer's jurisdiction. The warrant shall direct the officer or agent to search the person or place named for the property or things specified, and to retain the property or things in the officer's or agent's custody subject to order of the court issuing the warrant.

(b) Nothing in sections 626.04 to 626.17 is meant to supersede another law or statute that limits a peace officer's authority to obtain, serve, or execute a search warrant.

Sec. 2. Minnesota Statutes 2002, section 626.13, is amended to read:

626.13 SERVICE; PERSONS MAKING.

A search warrant may in all cases be served anywhere within the issuing judge's jurisdiction by any of the officers mentioned in its directions, but by no other person, except in aid of the officer on the officer's requiring it, the officer being present and acting in its execution. ~~If the warrant is to be served by an agent of the bureau of criminal apprehension, an agent of the division of alcohol and gambling enforcement, a state patrol trooper, a metropolitan transit police officer, or a conservation officer, the agent, state patrol trooper, police officer, or conservation officer~~ An officer serving and executing a warrant shall notify the chief of police of an organized full-time police department of the municipality or, if there is no such local chief of police, the sheriff or a deputy sheriff of the county in which service is to be made prior to service and execution.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective August 1, 2003, and apply to search warrants issued or served on or after that date.

Presented to the governor May 20, 2003

Signed by the governor May 23, 2003, 3:10 p.m.

CHAPTER 87—S.F.No. 333

An act relating to health; extending dates of certain advisory councils; modifying certain nursing requirements; modifying provisions relating to the practice of speech-language pathology

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

or audiology; amending Minnesota Statutes 2002, sections 147B.05, subdivision 2; 147C.35, subdivision 2; 147D.25, subdivision 2; 148.212; 148.235, by adding a subdivision; 148.281, subdivision 1; 148.511; 148.512, subdivisions 2, 4, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 20; 148.513; 148.514; 148.515, subdivisions 2, 4; 148.516; 148.5161; 148.517; 148.518; 148.519; 148.5191; 148.5193, subdivisions 1, 4, 6, 6a, 7, 8; 148.5194, subdivisions 1, 2, 3, 3a; 148.5195, subdivisions 2, 3, 4, 5, 6; 148.5196; 153A.14, subdivisions 2a, 2i; 153A.17; 153A.20, subdivision 1; 214.32, subdivision 1; repealing Minnesota Statutes 2002, sections 148.512, subdivision 11; 148.515, subdivisions 3, 5.

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

Section 1. Minnesota Statutes 2002, 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, 2003 2007.

Sec. 2. Minnesota Statutes 2002, section 147C.35, subdivision 2, is amended to read:

Subd. 2. **ORGANIZATION.** The advisory council shall be organized and administered under section 15.059. The council expires June 30, 2003 2007.

Sec. 3. Minnesota Statutes 2002, section 147D.25, subdivision 2, is amended to read:

Subd. 2. **ORGANIZATION.** The advisory council shall be organized and administered under section 15.059. The council expires June 30, 2003 2007.

Sec. 4. Minnesota Statutes 2002, section 148.212, is amended to read:

148.212 **TEMPORARY PERMIT.**

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

(a) The applicant for licensure by examination under section 148.211, subdivision 1, has graduated from an approved nursing program within the 60 days preceding board receipt of an affidavit of graduation or transcript and has been authorized by the board to write the licensure examination for the first time in the United States. The permit holder must practice professional or practical nursing under the direct supervision of a registered nurse. The permit is valid from the date of issue until the date the board takes action on the application or for 60 days whichever occurs first.

(b) The applicant for licensure by endorsement under section 148.211, subdivision 2, is currently licensed to practice professional or practical nursing in another state,

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

territory, or Canadian province. The permit is valid from submission of a proper request until the date of board action on the application.

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

(d) The applicant for licensure by examination under section 148.211, subdivision 1, has been issued a Commission on Graduates of Foreign Nursing Schools certificate, has completed all requirements for licensure except the examination, and has been authorized by the board to write the licensure examination for the first time in the United States. The permit holder must practice professional nursing under the direct supervision of a registered nurse. The permit is valid from the date of issue until the date the board takes action on the application or for 60 days, whichever occurs first.

Subd. 2. REVOCATION. The board may revoke a temporary permit that has been issued to an applicant for licensure under section 148.211, subdivisions 1 and 2, if the applicant is the subject of an investigation or disciplinary action, or is disqualified for any other reason.

Subd. 3. RELEASE OF INFORMATION. Notwithstanding section 13.41, subdivision 2, the board may release information regarding action taken by the board pursuant to subdivisions 1 and 2.

Sec. 5. Minnesota Statutes 2002, section 148.235, is amended by adding a subdivision to read:

Subd. 10. ADMINISTRATION OF MEDICATIONS BY UNLICENSED PERSONNEL IN NURSING FACILITIES. Notwithstanding the provisions of Minnesota Rules, part 4658.1360, subpart 2, a graduate of a foreign nursing school who has successfully completed an approved competency evaluation under the provisions of section 144A.61 is eligible to administer medications in a nursing facility upon completion of a medication training program for unlicensed personnel offered through a postsecondary educational institution, which meets the requirements specified in Minnesota Rules, part 4658.1360, subpart 2, item B.

Sec. 6. Minnesota Statutes 2002, section 148.281, subdivision 1, is amended to read:

Subdivision 1. **VIOLATIONS DESCRIBED.** It shall be unlawful for any person, corporation, firm, or association, to:

(1) sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein;

(2) practice professional or practical nursing, practice as a public health nurse, or practice as a certified clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, or certified registered nurse anesthetist under cover of any diploma, permit, license, registration certificate, advanced practice credential, or record illegally

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

or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) practice professional or practical nursing unless the person has been issued a temporary permit under the provisions of section 148.212 or is duly licensed and currently registered to do so under the provisions of sections 148.171 to 148.285;

(4) use the professional title nurse unless duly licensed to practice professional or practical nursing under the provisions of sections 148.171 to 148.285, except as authorized by the board by rule;

(5) use any abbreviation or other designation tending to imply licensure as a registered nurse or licensed practical nurse unless duly licensed and currently registered so to practice professional or practical nursing under the provisions of sections 148.171 to 148.285 except as authorized by the board by rule;

~~(5)~~ (6) use any title, abbreviation, or other designation tending to imply certification as a certified registered nurse as defined in section 148.171, subdivision 22, unless duly certified by a national nurse certification organization;

~~(6)~~ (7) use any abbreviation or other designation tending to imply registration as a public health nurse unless duly registered by the board;

~~(7)~~ (8) practice professional, advanced practice registered, or practical nursing in a manner prohibited by the board in any limitation of a license or registration issued under the provisions of sections 148.171 to 148.285;

(8) (9) practice professional, advanced practice registered, or practical nursing during the time a license or current registration issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked;

(9) (10) conduct a nursing program for the education of persons to become registered nurses or licensed practical nurses unless the program has been approved by the board;

~~(10)~~ (11) knowingly employ persons in the practice of professional or practical nursing who have not been issued a current permit, license, or registration certificate to practice as a nurse in this state; and

~~(11)~~ (12) knowingly employ a person in advanced practice registered nursing unless the person meets the standards and practices of sections 148.171 to 148.285.

Sec. 7. Minnesota Statutes 2002, section 148.511, is amended to read:

**148.511 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS
SCOPE.**

Sections 148.511 to 148.5196 apply only to persons who are applicants for registration licensure, ~~who are registered~~, who use protected titles, or who represent that they are registered licensed, or who engage in the practice of speech-language pathology or audiology. Sections 148.511 to 148.5196 do not apply to school personnel licensed by the board of teaching, ~~provided that school personnel practicing within the~~

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

scope of their licensed occupation preface titles protected under section 148.513 with the words "school" or "educational," and practicing within the scope of their school license under Minnesota Rules, part 8710.6000.

Sec. 8. Minnesota Statutes 2002, section 148.512, subdivision 2, is amended to read:

Subd. 2. **ACCREDITED EDUCATIONAL INSTITUTION.** "Accredited educational institution" means a university, or college, or other post-secondary educational institution that offers speech-language pathology or audiology training graduate degrees and that is accredited by the American Speech-Language-Hearing Association or the National Council for Accreditation of Teacher Education Council on Academic Accreditation in Audiology and Speech Language Pathology, a body recognized by the United States Department of Education, or an equivalent as determined by the commissioner.

Sec. 9. Minnesota Statutes 2002, section 148.512, subdivision 4, is amended to read:

Subd. 4. **APPLICANT.** "Applicant" means a person who applies to the commissioner for registration licensure or registration licensure renewal.

Sec. 10. Minnesota Statutes 2002, section 148.512, subdivision 6, is amended to read:

Subd. 6. **AUDIOLOGIST.** "Audiologist" means a natural person who engages in the practice of audiology, meets the qualifications required by sections 148.511 to 148.5196, and registers as an audiologist with is licensed by the commissioner. Audiologist also means a natural person using any descriptive word with the title audiologist.

Sec. 11. Minnesota Statutes 2002, section 148.512, subdivision 7, is amended to read:

Subd. 7. **COMMISSIONER.** "Commissioner" means the commissioner of the department of health or a designee.

Sec. 12. Minnesota Statutes 2002, section 148.512, subdivision 8, is amended to read:

Subd. 8. **CONTACT HOUR.** "Contact hour" means an instructional session of 50 60 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Sec. 13. Minnesota Statutes 2002, section 148.512, subdivision 12, is amended to read:

Subd. 12. **PRACTICE OF AUDIOLOGY.** The "practice of audiology" means:

(1) screening, identification, assessment, and interpretation, diagnosis, rehabilitation, and prevention of hearing disorders;

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

(2) conservation of the auditory system function; development and implementation of hearing conservation programs;

(3) measurement, assessment, and interpretation of auditory and vestibular function;

(4) selecting, fitting, and dispensing of assistive listening devices, alerting and amplification devices, and systems for personal and public use, including hearing aids and devices, and providing training in their use;

(5) aural habilitation and rehabilitation and related counseling for hearing impaired individuals and their families;

(6) screening of speech, language, voice, or fluency for the purposes of audiologic evaluation or identification of possible communication disorders; or

(7) teaching of, consultation or research about, or supervision of the functions in clauses (1) to (6).

The practice of audiology does not include the practice of medicine and surgery, or osteopathic medicine and surgery, or medical diagnosis that is commonly performed by a physician.

Sec. 14. Minnesota Statutes 2002, section 148.512, subdivision 13, is amended to read:

Subd. 13. **PRACTICE OF SPEECH-LANGUAGE PATHOLOGY.** The “practice of speech-language pathology” means:

(1) ~~screening~~, identification, assessment and interpretation, diagnosis, habilitation, rehabilitation, treatment and prevention of disorders of speech, articulation, fluency, voice, and language;

(2) ~~screening~~, identification, assessment, and interpretation, diagnosis, habilitation, and rehabilitation of disorders of oral-pharyngeal function and related disorders;

(3) ~~screening~~, identification, assessment, and interpretation, diagnosis, habilitation, and rehabilitation of communication disorders associated with cognition;

(4) assessing, selecting, and developing augmentative and alternative communication systems and providing training in their use;

(5) aural habilitation and rehabilitation and related counseling for hearing impaired individuals and their families;

(6) enhancing speech-language proficiency and communication effectiveness;

(7) audiometric screening for the purposes of speech-language evaluation or for the identification of possible hearing disorders; or

(8) teaching of, consultation or research about, or supervision of the functions in clauses (1) to (7).

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

The practice of speech-language pathology does not include the practice of medicine and surgery, or osteopathic medicine and surgery, or medical diagnosis that is commonly performed by a physician.

Sec. 15. Minnesota Statutes 2002, section 148.512, subdivision 14, is amended to read:

Subd. 14. **REGISTER LICENSE OR REGISTERED LICENSED.** “Register” “License” or “registered” “licensed” means the act or status of a natural person who meets the requirements of sections 148.511 to 148.5196 and who is authorized by the commissioner to use the titles in section 148.513.

Sec. 16. Minnesota Statutes 2002, section 148.512, subdivision 15, is amended to read:

Subd. 15. **REGISTRANT LICENSEE.** “Registrant” “Licensee” means a person an individual who meets the requirements of sections 148.511 to 148.5196 and is authorized by the commissioner to use the titles in section 148.513.

Sec. 17. Minnesota Statutes 2002, section 148.512, subdivision 16, is amended to read:

Subd. 16. **REGISTRATION LICENSURE.** “Registration” “Licensure” is the system of regulation defined in section 214.001, subdivision 3, paragraph (c), and is the process specified in sections 148.511 to 148.5196.

Sec. 18. Minnesota Statutes 2002, section 148.512, subdivision 17, is amended to read:

Subd. 17. **SPEECH-LANGUAGE PATHOLOGIST.** “Speech-language pathologist” means a person who practices speech-language pathology, meets the qualifications under sections 148.511 to 148.5196, and registers with is licensed by the commissioner. Speech-language pathologist also means a natural person using, as an occupational title, a term identified in section 148.513.

Sec. 19. Minnesota Statutes 2002, section 148.512, subdivision 18, is amended to read:

Subd. 18. **SUPERVISEE.** “Supervisee” means an individual a person who, under the direction or evaluation of a supervisor, is:

(1) engaging in the supervised practice of speech-language pathology or audiology;

(2) performing a function of supervised clinical training as a student of speech-language pathology or audiology; or

(3) performing a function of supervised postgraduate or doctoral clinical experience in speech-language pathology or audiology.

Sec. 20. Minnesota Statutes 2002, section 148.512, subdivision 20, is amended to read:

New language is indicated by underline, deletions by strikeout.

Subd. 20. **SUPERVISOR.** "Supervisor" means a person who has the authority to direct or evaluate a supervisee and who is:

(1) is a registered licensed speech-language pathologist or audiologist; or

(2) when the commissioner determines that supervision by a registered licensed speech-language pathologist or audiologist as required in clause (1) is unobtainable, and in other situations considered appropriate by the commissioner, is a person practicing speech-language pathology or audiology who holds a current certificate of clinical competence from the American Speech-Language-Hearing Association or board certification in audiology by the American Board of Audiology.

Sec. 21. Minnesota Statutes 2002, section 148.513, is amended to read:

148.513 LICENSURE; PROTECTED TITLES AND RESTRICTIONS ON USE; EXEMPTIONS.

(a) A person shall not use a title relating to speech-language pathology or audiology, except as provided in paragraphs (b) and (c).

Subdivision 1. UNLICENSED PRACTICE PROHIBITED. A person must not engage in the practice of speech-language pathology or audiology unless the person is licensed as a speech-language pathologist or an audiologist under sections 148.511 to 148.5196.

(b) Subd. 2. PROTECTED TITLES AND RESTRICTIONS ON USE. Use of the following terms or initials which represent the following terms, alone or in combination with any word or words, by any person to form an occupational title is prohibited unless that person is registered licensed under sections 148.511 to 148.5196:

- (1) speech-language;
- (2) speech-language pathologist, S, SP, or SLP;
- (3) speech pathologist;
- (4) language pathologist;
- (5) audiologist, A, or AUD;
- (6) speech therapist; or
- (7) speech clinician;
- (8) speech correctionist;
- (9) language therapist;
- (10) voice therapist;
- (11) voice pathologist;
- (12) logopedist;
- (13) communicologist;
- (14) aphasiologist;

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

- (15) phoniatrist;
- (16) audiometrist;
- (17) audioprosthologist;
- (18) hearing therapist;
- (19) hearing clinician; or
- (20) hearing aid audiologist.

(e) Use of the term “Minnesota ~~registered~~ licensed” in conjunction with the titles protected under this section by any person is prohibited unless that person is registered licensed under sections 148.511 to 148.5196.

Subd. 3. EXEMPTION. (a) Nothing in sections 148.511 to 148.5196 prohibits the practice of any profession or occupation licensed, certified, or registered by the state by any person duly licensed, certified, or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation.

(b) Subdivision 1 does not apply to a student participating in supervised field work or supervised course work that is necessary to meet the requirements of section 148.515, subdivision 2 or 3, if the person is designated by a title which clearly indicates the person’s status as a student trainee.

(c) Subdivisions 1 and 2 do not apply to a person visiting and then leaving the state and using titles restricted under this section while in the state, if the titles are used no more than 30 days in a calendar year as part of a professional activity that is limited in scope and duration and is in association with an audiologist or speech-language pathologist licensed under sections 148.511 to 148.5196.

Sec. 22. Minnesota Statutes 2002, section 148.514, is amended to read:

148.514 GENERAL REGISTRATION LICENSURE REQUIREMENTS; PROCEDURES AND QUALIFICATIONS.

Subdivision 1. GENERAL REGISTRATION LICENSURE PROCEDURES.
An applicant for ~~registration~~ licensure must:

- (1) submit an application as required under section 148.519, subdivision 1; and
- (2) submit all fees required under section 148.5194.

Subd. 2. GENERAL REGISTRATION LICENSURE QUALIFICATIONS.
An applicant for ~~registration~~ licensure must possess the qualifications required in one of the following clauses:

- (1) a person who applies for ~~registration~~ licensure and does not meet the requirements in clause (2) or (3), must meet the requirements in section 148.515;
- (2) a person who applies for ~~registration~~ licensure and who has a current certificate of clinical competence issued by the American Speech-Language-Hearing

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

Association, or board certification by the American Board of Audiology, must meet the requirements of section 148.516; or

(3) a person who applies for registration licensure by reciprocity must meet the requirements under section 148.517.

Sec. 23. Minnesota Statutes 2002, section 148.515, subdivision 2, is amended to read:

Subd. 2. **MASTER'S OR DOCTORAL DEGREE REQUIRED.** (a) An applicant must possess a master's or doctoral degree that meets the requirements of paragraphs paragraph (b) to (h). If completing a doctoral program in which a master's degree has not been conferred, an applicant must submit a transcript showing completion of course work equivalent to, or exceeding, a master's degree that meets the requirement of paragraph (b).

(b) All of the applicant's graduate coursework and clinical practicum required in the professional area for which registration licensure is sought must have been initiated and completed at an institution whose program was accredited by the educational standards board of the American Speech-Language-Hearing Association Council on Academic Accreditation in Audiology and Speech-Language Pathology, a body recognized by the United States Department of Education, or an equivalent as determined by the commissioner, in the area for which registration licensure is sought.

(c) The master's degree training must include a minimum of 112.5 quarter credits or 75 semester credits or their equivalent of academic coursework that includes basic science coursework and professional coursework.

(d) Applicants for registration in either speech-language pathology or audiology must complete 40.5 quarter credits of the 112.5 quarter credits or 27 of the 75 semester credits or their equivalent in basic science coursework, distributed as follows:

(1) nine quarter credits or six semester credits or their equivalent must be in biological or physical sciences and mathematics;

(2) nine quarter credits or six semester credits or their equivalent must be in behavioral or social sciences, including normal aspects of human behavior and communication; and

(3) 22.5 quarter credits or 15 semester credits or their equivalent must be in basic human communication processes and must include coursework in each of the following three areas of speech, language, and hearing:

(i) the anatomic and physiologic bases;

(ii) the physical and psychophysical bases; and

(iii) the linguistic and psycholinguistic aspects.

(e) All applicants for registration must complete 54 quarter credits of the 112.5 quarter credits or 36 semester credits of the 75 semester credits or their equivalent in professional coursework. The coursework must include the nature, prevention,

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

evaluation, and treatment of speech, language, and hearing disorders. The coursework must encompass courses in speech, language, and hearing that concern disorders primarily affecting children as well as disorders primarily affecting adults. A minimum of 45 of the 54 quarter credits or 30 of the 36 semester credits or their equivalent must be courses for which graduate credit was received. A minimum of 31.5 of the 45 quarter credits or 21 of the 30 semester credits must be in the professional area for which registration is sought.

(f) Applicants seeking registration as speech-language pathologists must complete the following professional coursework:

(1) 45 quarter credits of the 54 quarter credits of the professional coursework or 30 semester credits of the 36 semester credits of the professional coursework or their equivalent must be in courses pertaining to speech-language pathology and nine quarter credits of the 54 quarter credits or six semester credits of the 36 semester credits or their equivalent in courses in the area of audiology; and

(2) the 45 quarter credits or 30 semester credits or their equivalent pertaining to speech-language pathology must include at least nine quarter credits or six semester credits or their equivalent in speech disorders and nine quarter credits or six semester credits or their equivalent in language disorders. The nine quarter credits or six semester credits or their equivalent in the area of audiology must include at least 4.5 quarter credits or three semester credits or their equivalent in hearing disorders and hearing evaluation and 4.5 quarter credits or three semester credits or their equivalent in habilitative and rehabilitative procedures.

(g) Applicants seeking registration as an audiologist must complete professional coursework as follows:

(1) 45 quarter credits of the 54 quarter credits or 30 semester credits of the 36 semester credits or their equivalent of coursework must be in audiology. At least nine quarter credits of the 45 quarter credits or six semester credits of the 30 semester credits in audiology must be in hearing disorders and hearing evaluation and at least nine quarter credits or six semester credits or their equivalent must be in habilitative or rehabilitative procedures with individuals who have hearing impairment; and

(2) nine quarter credits of the 54 quarter credits or six semester credits of the 36 semester credits or their equivalent in the area of speech-language pathology. At least 4.5 quarter credits of the nine quarter credits or three semester credits of the six semester credits must be in speech disorders and at least 4.5 quarter credits of the nine quarter credits or three semester credits of the six semester credits must be in language disorders. This coursework in speech-language pathology must concern the nature, prevention, evaluation, and treatment of speech and language disorders not associated with hearing impairment.

(h) Of the professional coursework required in paragraphs (f) and (g), no more than nine quarter credits or six semester credits or their equivalent associated with clinical training may be counted toward the minimum of 54 quarter credits or 36 semester credits or their equivalent of professional coursework. However, those hours

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

may not be used to satisfy the minimum of nine quarter credits or six semester credit hours in hearing disorders or evaluation, nine quarter credits or six semester credits in habilitative or rehabilitative procedures, or nine quarter credits or six semester credits in speech-language pathology.

Sec. 24. Minnesota Statutes 2002, section 148.515, subdivision 4, is amended to read:

Subd. 4. **SUPERVISED POSTGRADUATE GRADUATE OR DOCTORAL CLINICAL EXPERIENCE REQUIRED.** ~~(a)~~ An applicant must complete no less than nine months or its equivalent of full-time supervised postgraduate clinical experience according to paragraphs (b) to (h) the graduate or doctoral clinical experience required by the American Speech-Language-Hearing Association, the American Board of Audiology, or an equivalent, as determined by the commissioner, and must achieve a qualifying examination score on the National Examination in Speech-Language Pathology or Audiology.

~~(b) Supervision in the postgraduate clinical experience includes both on-site observation and other monitoring activities. On-site observation must involve the supervisor, the supervisee, and the client receiving speech-language pathology or audiology services. On-site observation must include direct observation by the supervisor of treatment given by the supervisee. Other monitoring activities may be executed by correspondence and include, but are not limited to, conferences with the supervisee, evaluation of written reports, and evaluations by professional colleagues. Other monitoring activities do not include the client receiving speech-language pathology or audiology services but must involve direct or indirect evaluative contact by the supervisor of the supervisee.~~

~~(c) The applicant must, as part of the postgraduate clinical experience, be supervised by an individual who meets the definition of section 148.512, subdivision 20, and:~~

~~(1) when registration as a speech-language pathologist is sought, is a registered speech-language pathologist or hold a current certificate of clinical competence in speech-language pathology from the American Speech-Language-Hearing Association; and~~

~~(2) when registration as an audiologist is sought, is a registered audiologist or hold a current certificate of clinical competence in audiology from the American Speech-Language-Hearing Association.~~

~~(d) The applicant may not begin the postgraduate clinical experience until the applicant has completed the academic coursework and clinical training in subdivisions 2 and 3.~~

~~(e) To be considered full time, at least 30 hours per week must be spent over a nine-month period in clinical work. Equivalent time periods may include part-time professional employment as follows:~~

~~(1) 12 months of at least 25 hours per week;~~

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

- (2) 15 months of at least 20 hours per week; or
 (3) 18 months of at least 15 hours per week.

(f) The applicant's postgraduate clinical experience must include direct clinical experience with patients, consultations, report writing, record keeping, or other duties relevant to clinical work. A minimum of 80 percent of the clinical experience must be in direct contact with persons who have communication handicaps. If the applicant uses part-time employment to fulfill the postgraduate clinical experience requirement, all of the minimum required hours of the part-time work week requirement must be spent in direct professional experience.

(g) The applicant must complete the postgraduate clinical experience within a maximum of 36 consecutive months and must be supervised in no less than 36 activities, including 18 one-hour on-site observations. A maximum of six hours can be accrued in one day. A minimum of six one-hour on-site observations must be accrued during each one-third of the experience.

(h) The applicant must complete 18 other monitored activities and complete at least one monitored activity each month of the postgraduate clinical experience. Alternatives to on-site observation and monitoring activities include activities supervised by correspondence, evaluation of written reports, and evaluations by professional colleagues.

Sec. 25. Minnesota Statutes 2002, section 148.516, is amended to read:

148.516 REGISTRATION LICENSURE BY EQUIVALENCY.

An applicant who applies for ~~registration~~ licensure by equivalency must show evidence of possessing a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or board certification by the American Board of Audiology and must meet the requirements of section 148.514.

Sec. 26. Minnesota Statutes 2002, section 148.5161, is amended to read:

148.5161 TEMPORARY REGISTRATION CLINICAL FELLOWSHIP LICENSURE OR DOCTORAL EXTERNSHIP LICENSURE.

Subdivision 1. **APPLICATION.** The commissioner shall issue ~~temporary registration clinical fellowship licensure or doctoral externship licensure~~ as a speech-language pathologist or audiologist to an applicant who has applied for registration licensure under section 148.515, who is not the subject of a disciplinary action or past disciplinary action, and who has not violated a provision of section 148.5195, subdivision 3.

Subd. 2. **PROCEDURES.** To be eligible for ~~temporary registration clinical fellowship licensure or doctoral externship licensure~~, an applicant must submit an application form provided by the commissioner, the fees required by section 148.5194, and evidence of successful completion of the requirements in section 148.515, subdivisions subdivision 2 and 3.

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

Subd. 3. **SUPERVISION REQUIRED.** (a) A temporary registrant clinical fellowship licensee or doctoral externship licensee must practice under the supervision of an individual who meets the requirements of section 148.512, subdivision 20. Supervision must conform to the requirements in paragraphs (b) to ~~(g)~~ (c).

(b) Supervision must include both on-site observation and other monitoring activities. On-site observation must involve the supervisor, the supervisee clinical fellowship licensee or doctoral externship licensee, and the client receiving speech-language pathology or audiology services and must include direct observation by the supervisor of treatment given by the supervisee clinical fellowship licensee or doctoral externship licensee. Other monitoring activities must involve direct or indirect evaluative contact by the supervisor of the supervisee clinical fellowship licensee or doctoral externship licensee, may be executed by correspondence, and may include, but are not limited to, conferences with the supervisee clinical fellowship licensee or doctoral externship licensee, evaluation of written reports, and evaluations by professional colleagues. Other monitoring activities do not include the client receiving speech-language pathology or audiology services.

(c) The temporary registrant clinical fellowship licensee or doctoral externship licensee must be supervised by an individual who meets the definition of section 148.512, subdivision 20, and:

(1) when the temporary registrant clinical fellowship licensee or doctoral externship licensee is a speech-language pathologist, is a registered licensed speech-language pathologist, or holds a current certificate of clinical competence in speech-language pathology from the American Speech-Language-Hearing Association; and or

(2) when the temporary registrant clinical fellowship licensee or doctoral externship licensee is an audiologist, is a registered licensed audiologist, or holds a current certificate of clinical competence in audiology from the American Speech-Language-Hearing Association or board certification in audiology by the American Board of Audiology.

(d) Temporary registration Clinical fellowship licensure or doctoral externship licensure shall not be granted until the applicant has completed the academic coursework and clinical training in section 148.515, subdivisions subdivision 2 and 3.

(e) The temporary registrant must be supervised in no less than 36 activities, including 18 one-hour on-site observations. A maximum of six hours may be accrued in one day. A minimum of six one-hour on-site observations must be accrued during each one-third of the experience.

(f) The temporary registrant must complete 18 other monitored activities and complete at least one monitored activity each month.

(g) The temporary registrant clinical fellowship licensee or doctoral externship licensee must provide verification of supervision on the application form provided by the commissioner.

Subd. 4. **DOCTORAL EXTERNSHIP LICENSURE.** Doctoral candidates in audiology completing their final externship as part of their training program are

New language is indicated by underline, deletions by strikeout.

eligible to receive a provisional license in audiology and are not required to complete the postgraduate clinical fellowship year.

Subd. 5. **EXPIRATION OF TEMPORARY REGISTRATION CLINICAL FELLOWSHIP OR DOCTORAL EXTERNSHIP LICENSURE.** A temporary registration clinical fellowship license or doctoral externship license issued to a person pursuant to subdivision 2 expires 18 months after issuance or on the date the commissioner grants or denies registration licensure, whichever occurs first. Upon application, a temporary registration clinical fellowship license or doctoral externship license shall be renewed once to persons who have not met the supervised postgraduate clinical experience requirement under section 148.515, subdivision 4, within the initial temporary registration clinical fellowship license or doctoral externship license period and meet the requirements of subdivision 1.

Subd. 5 6. **TITLE USED.** A temporary registrant licensee with a clinical fellowship or doctoral externship shall be identified by one of the protected titles and a designation indicating clinical fellowship status.

Sec. 27. Minnesota Statutes 2002, section 148.517, is amended to read:

148.517 **REGISTRATION LICENSURE BY RECIPROCITY.**

Subdivision 1. **APPLICABILITY.** An applicant who applies for registration licensure as a speech-language pathologist or audiologist by reciprocity must meet the requirements of subdivisions 2 and 3.

Subd. 2. **CURRENT CREDENTIALS REQUIRED.** An applicant applying for registration licensure by reciprocity must provide evidence to the commissioner that the applicant holds a current and unrestricted credential for the practice of speech-language pathology or audiology in another jurisdiction that has requirements equivalent to or higher than those in effect for determining whether an applicant in this state is qualified to be registered licensed as a speech-language pathologist or audiologist. An applicant who provides sufficient evidence need not meet the requirements of section 148.515, provided that the applicant otherwise meets all other requirements of section 148.514.

Subd. 3. **VERIFICATION OF CREDENTIALS REQUIRED.** An applicant for registration licensure by reciprocity under subdivision 2, must have maintained the appropriate government body and unrestricted credentials in each jurisdiction in which the applicant holds a credential submit letters during the last five years as demonstrated by submitting letters of verification to the commissioner. Each letter must state the applicant's name, date of birth, credential number, date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant, and the terms under which the credential was issued.

Subd. 4. **TEMPORARY REGISTRATION LICENSURE.** (a) The commissioner shall issue temporary registration licensure as a speech-language pathologist, an audiologist, or both, to an applicant who has applied for registration licensure under this section 148.515, 148.516, 148.517, or 148.518, subdivisions 1 and 2, and who:

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

(1) submits a signed and dated affidavit stating that the applicant is not the subject of a disciplinary action or past disciplinary action in this or another jurisdiction and is not disqualified on the basis of section 148.5195, subdivision 3; and

(2) either:

(i) provides a copy of a current credential as a speech-language pathologist, an audiologist, or both, held in the District of Columbia or a state or territory of the United States; or

(ii) provides a copy of a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or ~~its~~ equivalent board certification in audiology by the American Board of Audiology.

(b) A temporary ~~registration~~ license issued to a person under this subdivision expires 90 days after it is issued or on the date the commissioner grants or denies ~~registration licensure~~, whichever occurs first.

(c) Upon application, a temporary ~~registration~~ license shall be renewed once to a person who is able to demonstrate good cause for failure to meet the requirements for ~~registration licensure~~ within the initial temporary ~~registration licensure~~ period and who is not the subject of a disciplinary action or disqualified on the basis of section 148.5195, subdivision 3.

Sec. 28. Minnesota Statutes 2002, section 148.518, is amended to read:

148.518 REGISTRATION LICENSURE FOLLOWING LAPSE OF REGISTERED LICENSURE STATUS.

~~Subdivision 1. LAPSE OF THREE YEARS OR LESS.~~ For an applicant whose registered licensure status has lapsed for three years or less, the applicant must:

(1) apply for ~~registration~~ licensure renewal according to section 148.5191 and document compliance with the continuing education requirements of section 148.5193 since the applicant's ~~registration~~ license lapsed; ~~or~~

(2) fulfill the requirements of section 148.517; or

~~Subd. 2. LAPSE OF MORE THAN THREE YEARS.~~ For an applicant whose registered status has lapsed for more than three years, the applicant must:

(1) apply for ~~registration~~ renewal according to section 148.5191 and obtain a qualifying score on the examination described in section 148.515, subdivision 5, within one year of the application date for registration renewal;

(2) apply for renewal according to section 148.5191, provide evidence to the commissioner that the applicant holds a current and unrestricted credential for the practice of speech-language pathology from the Minnesota board of teaching or for the practice of speech-language pathology or audiology in another jurisdiction and provide evidence that the applicant's credential from the Minnesota board of teaching or another jurisdiction has been held in good standing during the period of lapse;

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

(3) apply for renewal according to section 148.5191 and submit documentation of having completed a combination of speech-language pathology or audiology courses or a speech-language pathology or audiology refresher program that contains both a theoretical and clinical component preapproved or approved by the commissioner. Only courses completed within one year preceding the date of the application or one year after the date of the application will qualify for approval; or

(4) apply for renewal according to section 148.5191 and submit proof of successful completion and verified documentation of 160 hours of supervised practice approved by the commissioner. To participate in a supervised practice, the applicant shall first apply and obtain temporary registration according to section 148.5161, provide evidence to the commissioner that the applicant holds a current and unrestricted credential for the practice of speech-language pathology from the Minnesota board of teaching or for the practice of speech-language pathology or audiology in another jurisdiction that has requirements equivalent to or higher than those in effect for Minnesota, and provide evidence of compliance with Minnesota board of teaching or that jurisdiction's continuing education requirements.

Sec. 29. Minnesota Statutes 2002, section 148.519, is amended to read:

148.519 ~~REGISTRATION~~ LICENSURE PROCEDURES.

Subdivision 1. **APPLICATIONS FOR REGISTRATION LICENSURE.** (a) An applicant for registration licensure must:

(1) submit a completed application for registration licensure on forms provided by the commissioner. The application must include the applicant's name, certification number under chapter 153A, if applicable, business address and telephone number, or home address and telephone number if the applicant practices speech-language pathology or audiology out of the home, and a description of the applicant's education, training, and experience, including previous work history for the five years immediately preceding the date of application. The commissioner may ask the applicant to provide additional information necessary to clarify information submitted in the application; and

(2) submit documentation of the certificate of clinical competence issued by the American Speech-Language-Hearing Association, board certification by the American Board of Audiology, or satisfy the following requirements:

(2) (i) submit a transcript showing the completion of a master's or doctoral degree or its equivalent meeting the requirements of section 148.515, subdivision 2;

(3) (ii) submit documentation of the required hours of supervised clinical training meeting the requirements of section 148.515, subdivision 3;

(4) (iii) submit documentation of the postgraduate clinical or doctoral clinical experience meeting the requirements of section 148.515, subdivision 4; and

(5) (iv) submit documentation of receiving a qualifying score on an examination meeting the requirements of section 148.515, subdivision 5;.

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

(b) In addition, an applicant must:

(6) (1) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(7) (2) submit with the application all fees required by section 148.5194; and

(8) (3) sign a waiver authorizing the commissioner to obtain access to the applicant's records in this or any other state in which the applicant has engaged in the practice of speech-language pathology or audiology.

Subd. 2. ACTION ON APPLICATIONS FOR REGISTRATION LICENSURE. (a) The commissioner shall act on an application for ~~registration~~ licensure according to paragraphs (b) to (d).

(b) The commissioner shall determine if the applicant meets the requirements for ~~registration~~ licensure. The commissioner or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The commissioner shall notify an applicant, via certified mail, of action taken on the application and of the grounds for denying ~~registration~~ licensure if ~~registration~~ licensure is denied.

(d) An applicant denied ~~registration~~ licensure may make a written request to the commissioner, within 30 days of the date of notification to the applicant, to appear before the advisory council and for the advisory council to review the commissioner's decision to deny the applicant's registration. After reviewing the denial, the advisory council shall make a recommendation to the commissioner as to whether the denial should be affirmed. An applicant is allowed no more than one request for a review of denial of registration in any one registration renewal period for reconsideration of the denial. Individuals requesting reconsideration may submit information that the applicant wants considered in the reconsideration. After reconsideration of the commissioner's determination to deny licensure, the commissioner shall determine whether the original determination should be affirmed or modified. An applicant may make only one request in any one biennial license period for reconsideration of the commissioner's determination to deny licensure.

Subd. 3. CHANGE OF ADDRESS. A licensee who changes addresses must inform the commissioner, in writing, of the change of address within 30 days. All notices or other correspondence mailed to or served on a licensee by the commissioner at the licensee's address on file with the commissioner shall be considered as having been received by the licensee.

Sec. 30. Minnesota Statutes 2002, section 148.5191, is amended to read:

148.5191 REGISTRATION LICENSURE RENEWAL.

Subdivision 1. RENEWAL REQUIREMENTS. To renew ~~registration~~ licensure, an applicant must:

New language is indicated by underline, deletions by strikeout.

(1) biennially complete a renewal application on a form provided by the commissioner and submit the biennial renewal fee;

(2) meet the continuing education requirements of section 148.5193 and submit evidence of attending continuing education courses, as required in section 148.5193, subdivision 6; and

(3) submit additional information if requested by the commissioner to clarify information presented in the renewal application. The information must be submitted within 30 days after the commissioner's request.

Subd. 2. **LATE FEE.** An application submitted after the renewal deadline date must be accompanied by a late fee as provided in section 148.5194, subdivision 4.

Subd. 3. **REGISTRATION LICENSURE RENEWAL NOTICE.** Registration Licensure renewal is on a biennial basis. At least 60 days before the registration licensure expiration date, the commissioner shall send out a renewal notice to the registrant's licensee's last known address. The notice shall include a renewal application and notice of fees required for renewal. If the registrant licensee does not receive the renewal notice, the registrant licensee is still required to meet the deadline for renewal to qualify for continuous registered licensure status.

Subd. 4. **RENEWAL DEADLINE.** Each registration certificate license, including a temporary registration certificate license provided under section 148.5161, must state an expiration date. An application for registration licensure renewal must be received by the department of health or postmarked at least 30 days before the expiration date. If the postmark is illegible, the application shall be considered timely if received at least 21 days before the expiration date.

When the commissioner establishes the renewal schedule for an applicant, registrant licensee, or temporary registrant licensee, if the period before the expiration date is less than two years, the fee shall be prorated.

Sec. 31. Minnesota Statutes 2002, section 148.5193, subdivision 1, is amended to read:

Subdivision 1. **NUMBER OF CONTACT HOURS REQUIRED.** (a) An applicant for registration licensure renewal must meet the requirements for continuing education according to stipulated by the American Speech-Language-Hearing Association or the American Board of Audiology, or satisfy the requirements described in paragraphs (b) to (e).

(b) An applicant for registration licensure renewal as either a speech-language pathologist or an audiologist must provide evidence to the commissioner of a minimum of 30 contact hours of continuing education offered by a continuing education sponsor within the two years immediately preceding registration licensure renewal. A minimum of 20 contact hours of continuing education must be directly related to the registrant's licensee's area of registration licensure. Ten contact hours of continuing education may be in areas generally related to the registrant's licensee's area of registration licensure.

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

(c) An applicant for registration licensure renewal as both a speech-language pathologist and an audiologist must attest to and document completion of a minimum of 36 contact hours of continuing education offered by a continuing education sponsor within the two years immediately preceding registration licensure renewal. A minimum of 15 contact hours must be received in the area of speech-language pathology and a minimum of 15 contact hours must be received in the area of audiology. Six contact hours of continuing education may be in areas generally related to the registrant's licensee's areas of registration licensure.

(d) If the registrant licensee is licensed by the board of teaching:

(1) activities that are approved in the categories of Minnesota Rules, part 8700.1000, subpart 3, items A and B, and that relate to speech-language pathology, shall be considered:

(i) offered by a sponsor of continuing education; and

(ii) directly related to speech-language pathology;

(2) activities that are approved in the categories of Minnesota Rules, part 8700.1000, subpart 3, shall be considered:

(i) offered by a sponsor of continuing education; and

(ii) generally related to speech-language pathology; and

(3) one clock hour as defined in Minnesota Rules, part 8700.1000, subpart 1, is equivalent to ~~1.2~~ 1.0 contact hours of continuing education.

(e) Contact hours cannot be accumulated in advance and transferred to a future continuing education period.

Sec. 32. Minnesota Statutes 2002, section 148.5193, subdivision 4, is amended to read:

Subd. 4. **EARNING CONTINUING EDUCATION CONTACT HOURS THROUGH CONTACT HOUR EQUIVALENTS.** (a) A registrant licensee who teaches continuing education courses or presents or publishes for educational purposes may obtain contact hour equivalents according to paragraphs (b) to (d).

(b) The sponsor of the course must meet the requirements of subdivision 2.

(c) A registrant licensee may not obtain more than six contact hours in any two-year continuing education period by teaching continuing education courses.

(d) A registrant licensee may obtain two contact hours for each hour spent teaching a course. Contact hours may be claimed only once for teaching the same course in any two-year continuing education period.

Sec. 33. Minnesota Statutes 2002, section 148.5193, subdivision 6, is amended to read:

Subd. 6. **RECORDS OF ATTENDANCE.** (a) A registrant licensee must maintain for four years records of attending the continuing education contact hours

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

required for ~~registration~~ licensure renewal.

(b) An applicant for ~~registration~~ licensure renewal must submit documentation demonstrating compliance with continuing education requirements of the American Speech-Language-Hearing Association on the American Board of Audiology or an equivalent, or the following information on a form provided by the commissioner: the sponsoring organization, the dates of the course, the course name, the number of contact hours completed, and the name and signature of the registrant licensee. The form must be submitted with the renewal application under section 148.5191, subdivision 1.

Sec. 34. Minnesota Statutes 2002, section 148.5193, subdivision 6a, is amended to read:

Subd. 6a. **VERIFICATION OF ATTENDANCE.** An applicant for ~~registration~~ licensure renewal must submit verification of attendance as follows:

(1) a certificate of attendance from the sponsor with the continuing education course name, course date, and ~~registrant's~~ licensee's name. If a certificate is not available, the commissioner may accept other evidence of attendance such as a confirmation or statement of registration for regional or national annual conferences or conventions of professional associations, a copy of the continuing education courses indicating those attended, and an affidavit of attendance;

(2) a copy of a record of attendance from the sponsor of the continuing education course;

(3) a signature of the presenter or a designee at the continuing education activity on the continuing education report form;

(4) a summary or outline of the educational content of an audio or video educational activity if a designee is not available to sign the continuing education report form;

(5) for self-study programs, a certificate of completion or other documentation indicating that the individual has demonstrated knowledge and has successfully completed the program; ~~and~~ or

(6) for attendance at a university, college, or vocational course, an official transcript.

Sec. 35. Minnesota Statutes 2002, section 148.5193, subdivision 7, is amended to read:

Subd. 7. **VERIFICATION OF CONTINUING EDUCATION REPORTS.** The commissioner may request a ~~registrant~~ licensee or continuing education sponsor to verify the continuing education to which the ~~registrant~~ licensee attested. Documentation may come directly from the ~~registrant~~ licensee, the continuing education sponsor, or from a national accrediting or certifying organization which maintains the records.

Sec. 36. Minnesota Statutes 2002, section 148.5193, subdivision 8, is amended to read:

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

Subd. 8. WAIVER OF CONTINUING EDUCATION REQUIREMENTS.

The commissioner may grant a waiver of the requirements of this section in cases where the requirements would impose an undue burden on the registrant licensee. A registrant licensee must request in writing a waiver of the requirements of this section. The request for a waiver must cite this section, the reasons for requesting the waiver, the period of time the registrant licensee wishes to have the continuing education requirement waived, and the alternative measures that will be taken if a waiver is granted. The commissioner shall set forth, in writing, the reasons for granting or denying the waiver. Waivers granted by the commissioner shall specify in writing the time limitation and required alternative measures to be taken by the registrant licensee.

Sec. 37. Minnesota Statutes 2002, section 148.5194, subdivision 1, is amended to read:

Subdivision 1. **FEE PRORATION.** The commissioner shall prorate the registration licensure fee for clinical fellowship, doctoral externship, temporary, and first time registrants licensees according to the number of months that have elapsed between the date registration the license is issued and the date registration the license must be renewed under section 148.5191, subdivision 4.

Sec. 38. Minnesota Statutes 2002, section 148.5194, subdivision 2, is amended to read:

Subd. 2. **BIENNIAL REGISTRATION LICENSURE FEE.** The fee for initial registration licensure and biennial registration licensure, temporary registration licensure, or renewal is \$200.

Sec. 39. Minnesota Statutes 2002, section 148.5194, subdivision 3, is amended to read:

Subd. 3. **BIENNIAL REGISTRATION LICENSURE FEE FOR DUAL REGISTRATION LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST.** The fee for initial registration licensure and biennial registration licensure, clinical fellowship, doctoral externship, temporary registration license, or renewal is \$200.

Sec. 40. Minnesota Statutes 2002, section 148.5194, subdivision 3a, is amended to read:

Subd. 3a. **SURCHARGE FEE.** Notwithstanding section 16A.1285, subdivision 2, for a period of four years following July 1, 1999, an applicant for registration licensure or registration licensure renewal must pay a surcharge fee of \$25 in addition to any other fees due upon registration licensure or registration licensure renewal. This subdivision expires June 30, 2003.

Sec. 41. Minnesota Statutes 2002, section 148.5195, subdivision 2, is amended to read:

Subd. 2. **RIGHTS OF APPLICANTS AND REGISTRANTS LICENSEES.** The rights of an applicant denied registration licensure are stated in section 148.519, subdivision 2, paragraph (d). A registrant licensee shall not be subjected to disciplinary

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

action under this section without first having an opportunity for a contested case hearing under chapter 14.

Sec. 42. Minnesota Statutes 2002, section 148.5195, subdivision 3, is amended to read:

Subd. 3. **GROUNDS FOR DISCIPLINARY ACTION BY COMMISSIONER.** The commissioner may take any of the disciplinary actions listed in subdivision 4 on proof that the individual has:

(1) intentionally submitted false or misleading information to the commissioner or the advisory council;

(2) failed, within 30 days, to provide information in response to a written request, via certified mail, by the commissioner or advisory council;

(3) performed services of a speech-language pathologist or audiologist in an incompetent or negligent manner;

(4) violated sections 148.511 to 148.5196;

(5) failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

(6) violated any state or federal law, rule, or regulation, and the violation is a felony or misdemeanor, an essential element of which is dishonesty, or which relates directly or indirectly to the practice of speech-language pathology or audiology. Conviction for violating any state or federal law which relates to speech-language pathology or audiology is necessarily considered to constitute a violation, except as provided in chapter 364;

(7) aided or abetted another person in violating any provision of sections 148.511 to 148.5196;

(8) been or is being disciplined by another jurisdiction, if any of the grounds for the discipline is the same or substantially equivalent to those under sections 148.511 to 148.5196;

(9) not cooperated with the commissioner or advisory council in an investigation conducted according to subdivision 1;

(10) advertised in a manner that is false or misleading;

(11) engaged in conduct likely to deceive, defraud, or harm the public; or demonstrated a willful or careless disregard for the health, welfare, or safety of a client;

(12) failed to disclose to the consumer any fee splitting or any promise to pay a portion of a fee to any other professional other than a fee for services rendered by the other professional to the client;

(13) engaged in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws;

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

(14) obtained money, property, or services from a consumer through the use of undue influence, high pressure sales tactics, harassment, duress, deception, or fraud;

(15) performed services for a client who had no possibility of benefiting from the services;

(16) failed to refer a client for medical evaluation or to other health care professionals when appropriate or when a client indicated symptoms associated with diseases that could be medically or surgically treated;

(17) if the individual is a dispenser of hearing instruments as defined by section 153A.13, subdivision 5, had the certification required by chapter 153A, denied, suspended, or revoked according to chapter 153A; or

(18) used the term doctor of audiology, doctor of speech-language pathology, AuD, or SLPD without having obtained the degree from an institution accredited by the North Central Association of Colleges and Secondary Schools ~~or the American Speech-Language-Hearing Association, the Council on Academic Accreditation in Audiology and Speech-Language Pathology, the United States Department of Education, or an equivalent.~~

Sec. 43. Minnesota Statutes 2002, section 148.5195, subdivision 4, is amended to read:

Subd. 4. **DISCIPLINARY ACTIONS.** If the commissioner finds that an individual should be disciplined according to subdivision 3, the commissioner may take any one or more of the following actions:

(1) refuse to grant or renew ~~registration~~ licensure;

(2) suspend ~~registration~~ licensure for a period not exceeding one year;

(3) revoke ~~registration~~ licensure; or

(4) take any reasonable lesser action against an individual upon proof that the individual has violated sections 148.511 to 148.5196; or

(5) impose, for each violation, a civil penalty not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and that reimburses the department of health for costs of the investigation and proceedings resulting in disciplinary action, including the amount paid for services of the administrative hearings, the amount paid for services of the office of the attorney general, attorney fees, court reporters, witnesses, reproduction of records, advisory council members' per diem compensation, department staff time, and expenses incurred by advisory council members and department staff.

Sec. 44. Minnesota Statutes 2002, section 148.5195, subdivision 5, is amended to read:

Subd. 5. **CONSEQUENCES OF DISCIPLINARY ACTIONS.** Upon the suspension or revocation of ~~registration~~ licensure, the speech-language pathologist or audiologist shall cease to practice speech-language pathology or audiology, to use titles

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

protected under sections 148.511 to 148.5196, and shall cease to represent to the public that the speech-language pathologist or audiologist is ~~registered~~ licensed by the commissioner.

Sec. 45. Minnesota Statutes 2002, section 148.5195, subdivision 6, is amended to read:

Subd. 6. **REINSTATEMENT REQUIREMENTS AFTER DISCIPLINARY ACTION.** A speech-language pathologist or audiologist who has had ~~registration licensure~~ licensure suspended may petition on forms provided by the commissioner for reinstatement following the period of suspension specified by the commissioner. The requirements of section 148.5191 for renewing ~~registration licensure~~ licensure must be met before ~~registration licensure~~ licensure may be reinstated.

Sec. 46. Minnesota Statutes 2002, section 148.5196, is amended to read:

148.5196 SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST ADVISORY COUNCIL.

Subdivision 1. **MEMBERSHIP.** The commissioner shall appoint ~~seven~~ eight persons to a speech-language pathologist and audiologist advisory council. The ~~seven~~ eight persons must include:

(1) two public members, as defined in section 214.02. The public members shall be either persons receiving services of a speech-language pathologist or audiologist, or family members of or caregivers to such persons;

(2) two speech-language pathologists ~~registered~~ licensed under sections 148.511 to 148.5196, one of whom is currently and has been, for the five years immediately preceding the appointment, engaged in the practice of speech-language pathology in Minnesota and each of whom is employed in a different employment setting including, but not limited to, private practice, hospitals, rehabilitation settings, educational settings, and government agencies;

(3) one speech-language pathologist ~~registered~~ licensed under sections 148.511 to 148.5196, who is currently and has been, for the five years immediately preceding the appointment, employed by a Minnesota public school district or a Minnesota public school district consortium that is authorized by Minnesota Statutes and who is licensed in ~~communication disorders~~ speech-language pathology by the Minnesota board of teaching; and

(4) two audiologists ~~registered~~ licensed under sections 148.511 to 148.5196, one of whom is currently and has been, for the five years immediately preceding the appointment, engaged in the practice of audiology in Minnesota and each of whom is employed in a different employment setting including, but not limited to, private practice, hospitals, rehabilitation settings, educational settings, industry, and government agencies; and

(5) one physician licensed under chapter 147 and certified by the American Board of Otolaryngology, Head and Neck Surgery.

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

Subd. 2. **ORGANIZATION.** The advisory council shall be organized and administered under section 15.059.

Subd. 3. **DUTIES.** The advisory council shall:

(1) advise the commissioner regarding speech-language pathologist and audiologist ~~registration~~ licensure standards;

(2) advise the commissioner on enforcement of sections 148.511 to 148.5196;

(3) provide for distribution of information regarding speech-language pathologist and audiologist ~~registration~~ licensure standards;

(4) review applications and make recommendations to the commissioner on granting or denying ~~registration~~ licensure or ~~registration~~ licensure renewal;

(5) review reports of investigations relating to individuals and make recommendations to the commissioner as to whether ~~registration~~ licensure should be denied or disciplinary action taken against the individual;

(6) advise the commissioner regarding approval of continuing education activities provided by sponsors using the criteria in section 148.5193, subdivision 2; and

(7) perform other duties authorized for advisory councils under chapter 214, or as directed by the commissioner.

Sec. 47. Minnesota Statutes 2002, section 153A.14, subdivision 2a, is amended to read:

Subd. 2a. **EXEMPTION FROM WRITTEN EXAMINATION REQUIREMENT.** Persons completing the audiology registration requirements of section 148.515 after January 1, 1996, are exempt from the written examination requirements of subdivision 2h, paragraph (a), clause (1). Minnesota ~~registration or American Speech-Language-Hearing Association certification~~ licensure, a current certification of clinical competence issued by the American Speech-Language-Hearing Association, board certification in audiology by the American Board of Audiology, or an equivalent, as an audiologist is not required but may be submitted as evidence qualifying for exemption from the written examination if the requirements are completed after January 1, 1996. Persons qualifying for written examination exemption must fulfill the other credentialing requirements under subdivisions 1 and 2 before a certificate may be issued by the commissioner.

Sec. 48. Minnesota Statutes 2002, section 153A.14, subdivision 2i, is amended to read:

Subd. 2i. **CONTINUING EDUCATION REQUIREMENT.** On forms provided by the commissioner, each certified dispenser must submit with the application for renewal of certification evidence of completion of ten course hours of continuing education earned within the 12-month period of July 1 to June 30 immediately preceding renewal. Continuing education courses must be directly related to hearing instrument dispensing and approved by the International Hearing Society or qualify for continuing education approved for Minnesota ~~registered~~ licensed audiologists. Evi-

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

dence of completion of the ten course hours of continuing education must be submitted with renewal applications by October 1 of each year. This requirement does not apply to dispensers certified for less than one year. The first report of evidence of completion of the continuing education credits shall be due October 1, 1997.

Sec. 49. Minnesota Statutes 2002, section 153A.17, is amended to read:

153A.17 EXPENSES; FEES.

The expenses for administering the certification requirements including the complaint handling system for hearing aid dispensers in sections 153A.14 and 153A.15 and the consumer information center under section 153A.18 must be paid from initial application and examination fees, renewal fees, penalties, and fines. All fees are nonrefundable. The certificate application fee is \$165 for audiologists ~~registered~~ licensed under section 148.511 and \$490 for all others, the examination fee is \$200 for the written portion and \$200 for the practical portion each time one or the other is taken, and the trainee application fee is \$100. Notwithstanding the policy set forth in section 16A.1285, subdivision 2, a surcharge of \$165 for audiologists ~~registered~~ licensed under section 148.511 and \$330 for all others shall be paid at the time of application or renewal until June 30, 2003, to recover the commissioner's accumulated direct expenditures for administering the requirements of this chapter. The penalty fee for late submission of a renewal application is \$200. All fees, penalties, and fines received must be deposited in the state government special revenue fund. The commissioner may prorate the certification fee for new applicants based on the number of quarters remaining in the annual certification period.

Sec. 50. Minnesota Statutes 2002, section 153A.20, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP.** The commissioner shall appoint nine persons to a hearing instrument dispenser advisory council.

(a) The nine persons must include:

(1) three public members, as defined in section 214.02. At least one of the public members shall be a hearing instrument user and one of the public members shall be either a hearing instrument user or an advocate of one; and

(2) three hearing instrument dispensers certified under sections 153A.14 to 153A.20, each of whom is currently, and has been for the five years immediately preceding their appointment, engaged in hearing instrument dispensing in Minnesota and who represent the occupation of hearing instrument dispensing and who are not audiologists; and

(3) three audiologists who are certified hearing instrument dispensers or are ~~registered~~ licensed as audiologists under chapter 148.

(b) The factors the commissioner may consider when appointing advisory council members include, but are not limited to, professional affiliation, geographical location, and type of practice.

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

(c) No two members of the advisory council shall be employees of, or have binding contracts requiring sales exclusively for, the same hearing instrument manufacturer or the same employer.

Sec. 51. Minnesota Statutes 2002, section 214.32, subdivision 1, is amended to read:

Subdivision 1. **MANAGEMENT.** (a) A health professionals services program committee is established, consisting of one person appointed by each participating board, with each participating board having one vote. The committee shall designate one board to provide administrative management of the program, set the program budget and the pro rata share of program expenses to be borne by each participating board, provide guidance on the general operation of the program, including hiring of program personnel, and ensure that the program's direction is in accord with its authority. If the participating boards change which board is designated to provide administrative management of the program, any appropriation remaining for the program shall transfer to the newly designated board on the effective date of the change. The participating boards must inform the appropriate legislative committees and the commissioner of finance of any change in the administrative management of the program, and the amount of any appropriation transferred under this provision.

(b) The designated board, upon recommendation of the health professional services program committee, shall hire the program manager and employees and pay expenses of the program from funds appropriated for that purpose. The designated board may apply for grants to pay program expenses and may enter into contracts on behalf of the program to carry out the purposes of the program. The participating boards shall enter into written agreements with the designated board.

(c) An advisory committee is established to advise the program committee consisting of:

(1) one member appointed by each of the following: the Minnesota Academy of Physician Assistants, the Minnesota Dental Association, the Minnesota Chiropractic Association, the Minnesota Licensed Practical Nurse Association, the Minnesota Medical Association, the Minnesota Nurses Association, and the Minnesota Podiatric Medicine Association;

(2) one member appointed by each of the professional associations of the other professions regulated by a participating board not specified in clause (1); and

(3) two public members, as defined by section 214.02.

Members of the advisory committee shall be appointed for two years and members may be reappointed.

The advisory committee expires June 30, ~~2003~~ 2007.

Sec. 52. **REVISOR INSTRUCTION.**

The revisor shall renumber Minnesota Statutes, section 148.517, subdivision 4, as Minnesota Statutes, section 148.5175.

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

Sec. 53. REPEALER.

Minnesota Statutes 2002, sections 148.512, subdivision 11; and 148.515, subdivisions 3 and 5, are repealed.

Sec. 54. EFFECTIVE DATE.

Sections 1 to 3 and 51 are effective July 1, 2003.

Presented to the governor May 20, 2003

Signed by the governor May 23, 2003, 3:15 p.m.

CHAPTER 88—S.F.No. 552
VETOED

CHAPTER 89—S.F.No. 926

An act relating to public safety; providing for property manager background checks on the Minnesota computerized criminal history system; amending Minnesota Statutes 2002, section 299C.68, subdivision 5.

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

Section 1. Minnesota Statutes 2002, section 299C.68, subdivision 5, is amended to read:

Subd. 5. **RESPONSE OF BUREAU.** The superintendent shall respond in writing to a background check request within a reasonable time not to exceed ten working days after receiving the signed form under subdivision 3. The superintendent's response from the search of the Minnesota computerized criminal history system must clearly indicate whether the manager has ever been convicted of a background check crime and, if so, a description of the crime, date and jurisdiction of the conviction, and date of discharge of sentence. If a search is being done of the national criminal records repository, the superintendent shall determine eligibility based upon national records received. The superintendent shall reply to the owner in writing indicating whether the manager is or is not eligible for employment. ~~The superintendent's response must clearly indicate whether the manager has ever been convicted of a background check crime and, if so, a description of the crime, date and jurisdiction of conviction, and date of discharge of the sentence.~~

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