

CHAPTER 148

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

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CHIROPRACTORS

148.01 CHIROPRACTIC. Subdivision 1. For the purposes of sections 148.01 to 148.10, "chiropractic" is hereby defined as being the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function.

Subd. 2. The practice of chiropractic is hereby declared not to be the practice of medicine, surgery, or osteopathy.

Subd. 3. Chiropractic practice includes those non-invasive means of clinical, physical, and laboratory measures and analytical x-ray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition. The practice of chiropractic may include procedures which are used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment. The procedures may not be used as independent therapies or separately from chiropractic adjustment. No device which utilizes heat or sound shall be used in the treatment of a chiropractic condition unless it has been approved by the Federal Communications Commission. No device shall be used above the neck of the patient. Any chiropractor who utilizes procedures in violation of this subdivision shall be guilty of professional misconduct and subject to disciplinary procedures pursuant to section 148.10.

[1919 c 64 s 2,8; 1927 c 230; 1975 c 362 s 1] (5725, 5731(c))

148.02 CHIROPRACTORS; STATE BOARD OF EXAMINERS. There is hereby created and established a board to be known by the name and style of state board of chiropractic examiners.

[1919 c 64 s 1] (5724)

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148.03 APPOINTMENT. The governor shall appoint a board of chiropractic examiners consisting of two public members as defined by section 214.02 and five resident chiropractors who shall have practiced chiropractic in this state for at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course of chiropractic, but no more than two of whom shall be graduates of the same school or college of chiropractic. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7. The board shall have the authority to prescribe rules relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licenses. Vacancies caused by death or otherwise shall be filled by the governor within 60 days. No member of the board shall be financially interested in any chiropractic school or college or be in any way affiliated with the practice of other methods of healing as are now regulated by law in this state.

[1919 c 64 s 3; 1943 c 155 s 1; 1959 c 186 s 1; 1973 c 638 s 10; 1975 c 136 s 8; 1976 c 222 s 45; 1976 c 239 s 54] (5726)

148.04 PROCEDURE. The officers of the board of chiropractic examiners shall have power to administer oaths, summon witnesses, and take testimony as to matters pertaining to its duties. It shall adopt a minimum of educational requirements not inconsistent with the provisions of sections 148.01 to 148.10, which shall be without prejudice, partiality, or discrimination as to the different schools or colleges of chiropractic. The board shall meet at such times as the majority of the board may deem proper. A majority of the board shall constitute a quorum for the transaction of business. The secretary shall keep a record of its proceedings. This report shall be prima facie evidence of all matters therein recorded.

[1919 c 64 s 4; 1967 c 149 s 1; 1973 c 638 s 11; 1975 c 136 s 9] (5727)

148.05 LICENSE AND FEE. At its first meeting the state board of chiropractic examiners shall issue to each member a license to practice chiropractic, for which he shall pay a fee set by the board. The board shall have a common seal and promulgate rules to govern its actions.

[1919 c 64 s 5; 1976 c 222 s 46] (5728)

148.06 APPLICATION; EXAMINATION; LICENSE; FEE. Subdivision 1. **License required; qualifications.** No person shall practice chiropractic in this state without first being licensed by the state board of chiropractic examiners. The applicant shall have earned at least one-half of all academic credits required for awarding of a baccalaureate degree from the university of Minnesota, or other university, college or community college of equal standing, in subject matter determined by the board, and taken a four-year resident course of at least eight months each in a school or college of chiropractic that is accredited by the council on chiropractic education or association of chiropractic colleges or their successors wherein the curriculum includes instruction in the following branches: anatomy, physiology, symptomatology, pathology, hygiene, dietetics, diagnoses, urinalysis, chiropractic orthopedy, intellectual adaption, and the science and art of chiropractic. The board may recommend a two-year prechiropractic course of instruction to any university, college or community college which in its judgment would satisfy the academic prerequisite for licensure as established by this section. An examination for a license shall be in writing. The applicant shall be required to give practical demonstration in vertebral palpation, nerve tracing, and adjusting. A license, counter-signed by the members of the board and authenticated by the seal thereof, shall be granted to each applicant who shall correctly answer 75 percent of the questions propounded in each of the above subjects and meets the standards of practical demonstration established by the board. Each application shall be accompanied by a fee set by the board. The fee shall not be returned in the event of failure to pass, but the applicant may, within one year, present himself for examination without the payment of an additional fee. The board may waive the written examination and may grant a license to an applicant who holds a valid certificate from the national board of chiropractic examiners, provided such applicant meets the other requirements of this section and satisfactorily passes the practical examination before the board.

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Subd. 2. [Repealed, 1976 c 222 s 209]
[1919 c 64 s 6; 1927 c 230; 1959 c 186 s 2; 1967 c 706 s 1; 1974 c 564 s 1; 1976 c 222 s 47] (5729)

148.07 RENEWAL FEES; EXPENSES. Subdivision 1. **Renewal fees.** All persons practicing chiropractic within this state, or licensed so to do, shall pay, on or before the date of expiration of their licenses, to the board of chiropractic examiners a renewal fee set by the board, with a penalty set by the board for each month or portion thereof for which a license fee is in arrears and upon payment of the renewal and upon compliance with all the rules of the board, shall be entitled to renewal of their license.

Subd. 2. **Expenses.** The expenses of administering sections 148.01 to 148.101 shall be paid from the appropriation made to the state board of chiropractic examiners.

Subd. 3. [Repealed, 1975 c 136 s 77]
[1919 c 64 s 7; 1927 c 230 s 1; 1943 c 155 s 2; 1955 c 847 s 12; 1959 c 186 s 3; 1965 c 64 s 1; 1967 c 149 s 2; 1969 c 399 s 1; 1973 c 638 s 12,13; 1976 c 222 s 48] (5730)

148.08 RULES AND REGULATIONS. Subdivision 1. [Repealed, 1976 c 222 s 209]

Subd. 2. **How regulated.** Chiropractors shall be subject to the same rules and regulations, both municipal and state, that govern other licensed doctors or physicians in the control of contagious and infectious diseases, and shall be entitled to sign health and death certificates, and to all rights and privileges of other doctors or physicians in all matters pertaining to the public health, except prescribing internal drugs or the practice of medicine, physical therapy, surgery and obstetrics.

[1919 c 64 s 8; 1927 c 230; 1975 c 362 s 2] (5731)

148.10 LICENSES REVOKED; NEW LICENSES. Subdivision 1. **Grounds.** The state board of chiropractic examiners may refuse to grant, or may revoke, a license to practice chiropractic, or may cause the name of a person licensed to be removed from the records in the office of the clerk of the district court for:

(1) the publishing or distributing, or causing to be published or distributed, in newspapers, magazines, directories, pamphlets, posters, cards, or in any other manner by advertisement, wherein the term "cure" or "guarantee to cure" or similar terms are used; which is hereby declared to be fraudulent and misleading to the general public;

(2) the employment of fraud or deception in applying for a license or in passing the examination provided for in section 148.06;

(3) the practice of chiropractic under a false or assumed name or the impersonation of another practitioner of like or different name;

(4) the conviction of a crime involving moral turpitude;

(5) habitual intemperance in the use of ardent spirits, narcotics, or stimulants;

(6) failure to pay the annual renewal license fee herein provided;

(7) professional misconduct.

Subd. 2. **Issuance following refusal, revocation or cancelation.** The state board of chiropractic examiners may, at any time within two years of the refusal or revocation or cancelation of a license under this section, by a majority vote, issue a new license or grant a license to the person affected, restoring him to, or conferring upon him, all the rights and privileges of, and pertaining to, the practice of chiropractic, as defined and regulated by sections 148.01 to 148.10. Any person to whom such have been restored shall pay a fee set by the board upon issuance of a new license.

[1919 c 64 s 10; 1927 c 230; 1957 c 154 s 1; 1959 c 186 s 4; 1976 c 222 s 49] (5733)

148.101 VIOLATION. Any person who shall practice, or attempt to practice, chiropractic or who shall use any of the terms or letters "Doctors of Chiropractic," "Chiropractor," "D.C.," or any other title or letters under any circumstances as to lead the public to believe that the persons who so uses such terms is engaged in the practice of chiropractic, without having complied with the provisions of sections

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148.01 to 148.10, shall be deemed guilty of a gross misdemeanor; and, upon conviction thereof, fined not less than \$50 nor more than \$100 or be imprisoned in the county jail for not less than 30 days nor more than six months or punished by both fine and imprisonment, in the discretion of the court. It shall be the duty of the county attorney of the county in which such person practices to prosecute. Nothing therein shall be considered as interfering with any person engaged in other methods of healing as are now regulated by law in the state of Minnesota.

[1919 c 64 s 9; 1927 c 230] (5732)

148.11 [Repealed, 1963 c 45 s 12]

148.12 [Repealed, 1963 c 45 s 12]

148.13 [Repealed, 1963 c 45 s 12]

148.14 [Repealed, 1963 c 45 s 12]

148.15 [Repealed, 1963 c 45 s 12]

148.16 [Repealed, 1963 c 45 s 12]

148.17 [Repealed, 1945 c 242 s 14]

REGISTERED NURSES

148.171 DEFINITIONS. As used in sections 148.171 to 148.285:

(1) The term "Board" shall mean Minnesota board of nursing.

(2) The term "Registered Nurse" abbreviated R.N., shall mean a natural person licensed by the Minnesota board of nursing to practice professional nursing.

(3) The practice of professional nursing means the performance for compensation or personal profit of the professional interpersonal service of: (a) providing a nursing assessment of the actual or potential health needs of individuals, families, or communities; (b) providing nursing care supportive to or restorative of life by functions such as skilled ministrations of nursing care, supervising and teaching nursing personnel, health teaching and counseling, case finding and referral to other health resources; and (c) evaluating these actions.

The practice of professional nursing includes both independent nursing functions and delegated medical functions which may be performed in collaboration with other health team members, or may be delegated by the professional nurse to other nursing personnel. Independent nursing function may also be performed autonomously. The practice of professional nursing requires that level of special education, knowledge, and skill ordinarily expected of an individual who has completed an approved professional nursing education program as described in section 148.211, subdivision 1.

[1945 c 242 s 1; 1955 c 34 s 1; 1959 c 140 s 1; 1974 c 554 s 1]

148.18 [Repealed, 1945 c 242 s 14]

148.181 BOARD OF NURSING; MEMBERSHIP, APPOINTMENTS, VACANCIES, REMOVALS. Subdivision 1. The board of nursing shall consist of 11 members appointed by the governor, each of whom shall be a resident of this state. Five members shall be registered nurses, each of whom shall have graduated from an approved school of nursing, shall be licensed as a registered nurse in this state, and shall have had at least five years experience in nursing practice, nursing administration, or nursing education immediately preceding appointment. Two of the five shall have had at least two years executive or teaching experience in professional nursing education during the five years immediately preceding appointment, and one of the five shall have had at least two years executive or teaching experience in practical nursing education during the five years immediately preceding appointment. Three members shall be licensed practical nurses each of whom shall have graduated from an approved school of nursing, shall be licensed as a licensed practical nurse in this state, and shall have had at least five years experience in nursing practice immediately preceding appointment. The remaining three members shall be public members as defined by section 214.02. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7. Each member of the board shall file with

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the secretary of state the constitutional oath of office before beginning his or her term of office.

Subd. 2. On expiration of the term of a member who is a registered nurse, the governor may appoint a registered nurse from a list of members submitted by professional nursing groups. Likewise on expiration of the term of a member who is a licensed practical nurse, the governor may appoint a licensed practical nurse from a list of members submitted by licensed practical nursing groups. Such lists should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a registered nurse or a licensed practical nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by nursing groups in the manner aforesaid. No board member shall be appointed to consecutive terms. Members shall hold office until a successor is appointed and qualified.

NOTE: Section 148.81, Subdivision 2, was also amended by Laws 1975, Chapter 136, Section 11, to read as follows:

"Subd. 2. On expiration of the term of a member who is a nurse, the governor may appoint a nurse, from a list of memers submitted by the Minnesota nurses' association and other professional nursing groups. Such list should contain the names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by the Minnesota nurses' association and other professional nursing groups in the manner aforesaid, within a period of 90 days."

Subd. 3. [Repealed, 1975 c 136 s 77]

[1945 c 242 s 2; 1955 c 34 s 2; 1971 c 418 s 1; 1973 c 638 s 14; 1975 c 136 s 10; 1975 c 360 s 1,2; 1976 c 222 s 50; 1976 c 239 s 55]

148.19 [Repealed, 1945 c 242 s 14]

148.191 OFFICERS; RULES; EXECUTIVE DIRECTOR. Subdivision 1. The board shall elect from its members a president, a vice-president and a secretary-treasurer who shall each serve for one year or until his successor is elected and qualifies. The board shall appoint and employ an executive secretary. A majority of the board, including one officer, shall constitute a quorum at any meeting.

Subd. 2. The board is authorized to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.299. The board shall prescribe by rule curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to 148.299. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of sections 148.171 to 148.299 and board rules. It shall examine, license and renew the license of duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall by rule adopt, evaluate and periodically revise, as necessary, requirements for licensure and for registration and renewal of registration as defined in section 148.231. It shall cause the prosecution of all persons violating sections 148.171 to 148.299 and have power to incur such necessary expense therefor. It shall keep a record of all its proceedings. The board shall appoint an advisory task force on nursing education consisting of 11 members for the purposes of advising the board on matters pertaining to career progression and the approval and operation of nursing programs, assisting with surveys of nursing programs, collecting nursing education data and providing liaison between the board and nursing education. Three members shall be either an administrator or supervisor in one of the following types of agencies at the time of appointment and throughout his term: hospital, nursing home or community nursing service. The remaining eight members shall be either an administrator or faculty member in one of the following types of educational programs at the time of appointment and throughout his term: nursing assistant program, practical nursing program preparing for licensure, professional nursing program preparing for licensure, or advanced nursing program for licensed practical or registered nurses. The task force shall expire and the compensation and removal of members shall be as provided in section 15.059.

Subd. 3. The board may employ such persons as may be necessary to carry on its work.

[1945 c 242 s 3; 1955 c 847 s 13; 1975 c 136 s 12; 1975 c 240 s 1; 1975 c 360 s 3; 1976 c 222 s 51]

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148.20 [Repealed, 1945 c 242 s 14]

148.201 [Repealed, 1975 c 136 s 77]

148.21 [Repealed, 1945 c 242 s 14]

148.211 LICENSING. Subdivision 1. An applicant for a license to practice as a registered nurse shall apply to the board for license by examination on forms prescribed by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed a course of study in a professional nursing program approved by the board or is enrolled in the final term of study in such program.

The applicant shall be required to pass a written examination in the subjects the board may determine. Each written examination may be supplemented by an oral or practical examination. An applicant failing to pass any portion of the examination shall be deemed to have failed the examination and may apply for re-examination in the subjects or sections failed.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to the applicant.

Subd. 2. The board may issue a license to practice professional nursing as a registered nurse without examination to an applicant who has been duly licensed or registered as a registered professional nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant has the qualifications equivalent to the qualifications required in this state as stated in subdivision 1, all other laws not inconsistent with this section and rules promulgated by the board.

Subd. 3. [Repealed, 1976 c 222 s 209]

[1945 c 242 s 5; 1955 c 34 s 4; 1961 c 56 s 1; 1967 c 68 s 1; 1969 c 53 s 1; 1975 c 360 s 4,5; 1976 c 222 s 52,53]

148.22 [Repealed, 1945 c 242 s 14]

148.221 PERSONS NOW HOLDING CERTIFICATE. Any person holding a license or certificate of registration to practice nursing as a registered nurse issued by the board which is valid on the effective date of Laws 1945, Chapter 242, shall be deemed to be licensed as a registered nurse under the provisions of sections 148.171 to 148.285.

[1945 c 242 s 6]

148.23 [Repealed, 1945 c 242 s 14]

148.231 TASK FORCE; REGISTRATION; NON-PRACTICING LIST. Subdivision 1. **Registration.** Except for a person whose name is on the non-practicing list as provided in this section, every person licensed to practice professional nursing must also maintain with the board, a current registration for practice as a registered nurse which must be renewed at regular intervals stipulated by the board by rule. Upon adoption by the board of rules and regulations establishing procedures and minimum requirements for successful completion of specified continuing education as herein-after provided, no certificate of registration shall be issued by the board to a nurse until he or she has submitted satisfactory evidence of compliance with the procedures and minimum requirements established by the board.

The fee for periodic registration for practice as a registered nurse shall be determined by the board by rule. A penalty fee shall be added for any application received after the expiration date as specified by the board by rule. Upon receipt of the application and the required fees, the board shall verify the application and the evidence of

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completion of continuing education requirements in effect, and thereupon issue to such applicant a certificate of registration for the next renewal period.

Subd. 2. **Task force.** The board of nursing shall appoint an advisory task force on registration consisting of 15 members, to study procedures and requirements for continuing education for nurses, and to submit recommendations for rules to the board by January 1, 1977. The task force shall assist the board in evaluating the effects of the procedures and requirements and periodically recommending revision to the board. Members of the task force shall be registered nurses, no more than seven of whom shall live in Hennepin or Ramsey counties. At least three members from Hennepin and Ramsey counties and three of the other members shall be appointed by the board from lists submitted by professional nursing organizations in the state. The task force shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 3. [Repealed, 1976 c 222 s 209]

Subd. 4. **Failure to register.** Any person licensed under the provisions of sections 148.171 to 148.285 who fails to re-register within the period hereinbefore provided, shall be deemed delinquent and shall not be entitled to practice nursing in this state as a registered nurse, until an application for renewal registration has been filed with the board accompanied by satisfactory evidence of compliance with the procedures and minimum requirements currently established by the board for continuing education and by a registration fee for each calendar year during which said applicant has failed to register, up to a maximum stipulated by the board by rule, and a certificate of re-registration issued to such person.

Subd. 5. **Non-practicing list; re-registration.** A person licensed under the provisions of sections 148.171 to 148.285 who desires to retire from practice temporarily, shall send a written notice to the board. Upon the receipt of such notice, the board shall place the name of such person on the non-practicing list. While so remaining on this list, the person shall not be subject to the payment of any fees, and shall not practice nursing in this state. When such person desires to resume practice he or she shall make application for re-registration, and submit satisfactory evidence of compliance with the procedures and minimum requirements established by the board for continuing education, and pay the registration fee for the current period to the board. Thereupon, the registration certificate shall be issued to such applicant, and such person shall immediately be placed on the practicing list as a registered nurse.

Subd. 6. **Fee for license verification.** A person licensed under the provisions of sections 148.171 to 148.285 who requests the board to verify such Minnesota license to another jurisdiction shall pay a fee to the board for each verification.

[1945 c 242 s 7; 1947 c 286 s 1; 1955 c 34 s 5; 1961 c 8 s 2; 1967 c 68 s 2; 1969 c 53 s 2,3; 1971 c 131 s 1; 1975 c 240 s 2; 1975 c 360 s 6,7; 1976 c 149 s 30]

148.24 [Repealed, 1945 c 242 s 14]

148.241 **EXPENSES.** Subdivision 1. The expenses of administering sections 148.171 to 148.299 shall be paid from the appropriation made to the Minnesota board of nursing.

Subd. 2. All amounts appropriated to the board shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the purposes of sections 148.171 to 148.285, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state.

[1945 c 242 s 8; 1955 c 34 s 3; 1973 c 638 s 16; 1976 c 222 s 54]

148.25 [Repealed, 1945 c 242 s 14]

148.251 **SCHOOL OF NURSING.** Subdivision 1. An institution desiring to conduct a school of nursing shall apply to the board and submit evidence that:

(1) It is prepared to provide a program of theory and practice in nursing as prescribed in the curriculum adopted by the board. Such instruction and experience may be secured in one or more institutions or agencies approved by the board.

(2) It is prepared to meet other standards established by law and by the board.

Subd. 2. A survey of the institution or institutions with which the school is to be affiliated shall be made by a qualified representative of the board. Such representative shall submit a written report of the survey to the board. If the board determines that

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the requirements for an approved school of nursing are met, it shall designate the school as an approved school of nursing.

Subd. 3. From time to time as deemed necessary by the board, it shall be the duty of the board, through its representatives, to survey all schools of nursing in the state. Written reports of such surveys shall be submitted to the board by the representative. If the board determines that any approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of nursing.

[1945 c 242 s 9; 1961 c 56 s 2; 1975 c 360 s 8]

148.26 [Repealed, 1945 c 242 s 14]

148.261 REVOCATION OF LICENSE. Subdivision 1. The board shall have power to deny, suspend, revoke, or restrict the license and registration of any person to practice professional nursing pursuant to sections 148.171 to 148.285, or to otherwise discipline a licensee or applicant upon proof that the person:

(1) Has employed fraud or deceit in procuring or attempting to procure a license to practice nursing as a registered nurse or annual registration for the practice of professional nursing;

(2) Has been convicted of a felony or gross misdemeanor;

(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) Has, in his or her professional capacity, exhibited behavior which creates an undue risk of harm to others;

(6) Is guilty of unethical practice of nursing;

(7) Has wilfully or repeatedly violated any of the provisions of sections 148.171 to 148.285.

Subd. 2. [Repealed, 1976 c 222 s 209]

Subd. 3. Any registered nurse whose license or registration has been suspended, restricted or revoked, may have his license reinstated and a new registration issued when in the discretion of the board the action is warranted, provided that such nurse may be required by the board to pay 50 percent of the costs of the proceedings resulting in the suspension or revocation of the license or registration certificate and reinstatement of the license or renewal certificate, and in addition thereto, pay the fee for the current year's registration.

[1945 c 242 s 10; 1975 c 360 s 9; 1976 c 222 s 55]

148.27 [Repealed, 1945 c 242 s 14]

148.271 ALLOWABLE UNLICENSED PRACTICES. The provisions of sections 148.171 to 148.285 shall not prohibit:

(1) The furnishing of nursing assistance in an emergency.

(2) The practice of nursing by any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties.

(3) Under the direct supervision of a registered nurse, the practice of nursing by a graduate of a school of professional nursing approved by the board between the date of graduation and the date of notification to such graduate of the board action upon his or her application for licensure hereunder, provided that such graduate will take the first examination for licensure hereunder following graduation given by the board and will be issued a permit by the board to engage in supervised practice of professional nursing while awaiting notification of the results of such examination. The board is authorized to issue permits to such graduates which shall permit the practice of professional nursing under direct supervision from the date of graduation until the date that the board shall notify such graduates of the results of their applications for registration conditioned upon such graduates making prompt application for registration and taking the first examination given by the board which they are eligible to take following graduation. Such permits shall not be renewable.

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(4) The practice of any profession or occupation licensed by the state, other than professional nursing, by any person duly licensed to practice such profession or occupation, or the performance by such a person of any acts properly coming within the scope of such a profession, occupation or license.

(5) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.

(6) The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the state of Minnesota pursuant to a temporary permit issued by the board of nursing which permit shall be issued by the board pursuant to such rules and regulations as it may promulgate, for the period between the submission of a proper application for licensure by such person and the date of action upon such application by the board.

(7) The care of the sick, injured or infirm in a private home by any person who does not assume or represent to be a registered or professional nurse.

[1945 c 242 s 11; 1959 c 140 s 2; 1975 c 360 s 10]

148.272 NURSING PERSONNEL; BOARD OF HEALTH REGULATIONS. Nothing in sections 148.171 and 148.271 to 148.283, shall affect the requirements of nursing personnel in nursing homes or hospitals as set forth by regulations of the state board of health.

[1959 c 140 s 3]

148.28 [Repealed, 1945 c 242 s 14]

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

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

(2) Practice professional nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice professional nursing unless duly licensed and currently registered to do so under the provisions of sections 148.171 to 148.285;

(4) Use any abbreviation or other designation tending to imply licensure as a registered nurse unless duly registered and licensed so to practice professional nursing under the provisions of sections 148.171 to 148.285;

(5) Practice professional nursing in a manner prohibited by the board in any restriction of a license or registration issued under the provisions of sections 148.171 to 148.285;

(6) Practice professional nursing during the time his or her license or current registration issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked;

(7) Conduct a school of nursing for the training of persons to become registered nurses or professional nurses unless the school or course has been approved by the board.

Subd. 2. Any person, corporation, or association violating any provisions of subdivision 1 shall be guilty of a misdemeanor, and shall be punished according to law.

[1945 c 242 s 12,13; 1959 c 140 s 4; 1975 c 360 s 11]

148.282 [Repealed, 1975 c 360 s 25]

148.283 UNAUTHORIZED PRACTICE OF PROFESSIONAL NURSING. The practice of professional nursing by any person who has not been licensed to practice professional nursing under the provisions of sections 148.171 to 148.285, or whose license has been suspended or revoked, or has expired, is hereby declared to be inimical to the public health and welfare and to constitute a public nuisance. Upon complaint being made thereof by the board of nursing, or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where such practice occurred may enjoin such acts and practice. Such injunction proceeding shall be in addition to, and not in lieu of, all other penalties and remedies provided by law.

[1959 c 140 s 6]

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148.285 TRANSFER OF ASSETS. All moneys, property, and property rights belonging to and under the control of the board of examiners, are hereby transferred and appropriated to the control and use of the board hereunder and the purpose provided herein.

[1945 c 242 s 14]

GRANTS-IN-AID

148.286 NURSING GRANTS-IN-AID. Subdivision 1. **Entitlement, use, amount.**

The Minnesota board of nursing may award grants-in-aid to students attending a school of nursing in this state approved in accordance with the laws pertaining to registered nurses and licensed practical nurses. Such grants shall be awarded to those students who are residents of this state and who are in need of economic assistance in securing such nursing education, and shall be awarded on the basis of need and ability. These grants shall be used solely to defray tuition and other fees and expenses incidental to such nursing education. No student shall receive a grant of more than \$3,500. Two-thirds of the grant shall be available to the student in the first year of her course, and the remainder thereof shall be divided equally between the remaining years of the course, provided, however, that the practical nurse grant shall not exceed \$600 and shall be available to the student in the first year of her course.

Subd. 2. **Conditions of grant.** The recipient of any grant-in-aid provided for hereunder must agree to practice in the field of nursing for at least one year immediately after graduation in the state of Minnesota unless excused by the board.

Subd. 3. **Allocation; annual amount available.** Not less than one-third of the amount available for grants in each fiscal year shall be awarded for grants in approved schools, located in counties with a population of not exceeding 100,000 persons respectively. Provided, however, that at the end of six months of each fiscal year any amount remaining unallocated may be awarded for grants in any approved school in the state of Minnesota. Except for amounts that may be necessary to pay any grants which have been awarded and not completed or terminated, any unexpended balance of the appropriated sums shall revert to the state treasury at the close of the said fiscal years. Of the amounts appropriated, not more than \$6,000 thereof shall be used for administration in each of the fiscal years.

[1961 c 446 s 1; 1961 c 567 s 2; 1965 c 106 s 1,2; 1971 c 303 s 1; 1975 c 360 s 12,13]

LICENSED PRACTICAL NURSES

148.29 DEFINITIONS. Subdivision 1. For the purposes of sections 148.29 to 148.297, the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Board" means the board of nursing.

NOTE: Section 148.29, Subdivision 2, was also amended by Laws 1975, Chapter 136, Section 13, to read as follows:

"Subd. 2. Board means the board of licensed practical nursing which shall consist of the members of the board of nursing, provided that one registered nurse who is a member of the board of nursing, chosen by lot, shall not be a member of the board of licensed practical nursing for purposes of this definition, and for the purposes of sections 148.29 to 148.297 and Laws 1971, Chapter 418 only, five additional members shall be appointed by the governor, one of whom shall be a doctor of medicine duly licensed and registered in this state, one of whom shall be an administrator or superintendent of a licensed hospital located outside of a city of the first class, and three of whom shall be duly licensed and registered practical nurses.

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Subd. 3. "Licensed Practical Nurse," abbreviated L.P.N., means a person licensed by the board to practice practical nursing.

Subd. 4. Practical nursing shall mean the performance for compensation of any of those services in observing and caring for the ill, injured, or infirm, in applying counsel and procedure to safeguard life and health, in administering treatment prescribed by a licensed health professional, or treatment and medication prescribed by a licensed doctor of medicine, osteopathy, or dentistry, or a licensed podiatrist, which are commonly performed by licensed practical nurses and which require specialized knowledge and skill such as are taught or acquired in an approved school of practical nursing, but which do not require the specialized education, knowledge and skill of a registered nurse. This shall not be construed to prevent the care of any ill, injured or

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infirm person by any member of his family or any friend, or his care by any person employed primarily as a companion, housekeeper, domestic servant, nursemaid or home health aide.

[1947 c 407 s 1; 1955 c 617 s 1; 1971 c 418 s 2,3; 1973 c 638 s 17; 1975 c 136 s 14; 1975 c 271 s 6; 1975 c 360 s 14; 1976 c 222 s 56]

148.291 EXAMINATION; LICENSING. Subdivision 1. **Qualifications.** An applicant for a license to practice nursing as a licensed practical nurse shall apply to the board for examination on forms provided by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence, verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and any other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed an approved course for the training of licensed practical nurses or is enrolled in the final term of study in such program.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to such applicant.

Subd. 2. [Repealed, 1976 c 222 s 209]

Subd. 3. **License without examination.** The board may issue a license to practice as a licensed practical nurse without examination to an applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title, under the laws of another state, territory or foreign country if in the opinion of the board the applicant has qualifications equivalent to the qualifications required in this state as stated in subdivision 1, all other laws not inconsistent with this section and rules promulgated by the board.

Subd. 4. [Repealed, 1976 c 222 s 209]

Subd. 5. [Repealed, 1975 c 360 s 25]
[1947 c 407 s 2; 1955 c 617 s 2; 1965 c 496 s 1; 1967 c 68 s 3; 1969 c 53 s 4; 1971 c 418 s 4,5; 1975 c 360 s 15,16; 1976 c 222 s 57,58]

148.292 APPROVED PROGRAM. Subdivision 1. **Approved school.** The board shall by rule set minimum standards for schools and courses preparing persons for licensing pursuant to sections 148.29 to 148.297 and 148.299, and cause the same to be written and filed with the executive director of the board. It may by rule amend said requirements pursuant to sections 148.29 to 148.297 and 148.299 from time to time and any such amendment shall also be written and filed with the executive director of the board. It shall conduct or provide for surveys of such schools and courses at such time as it may deem necessary. It shall approve such schools as in the opinion of the board, meet the requirements of this law and board rules. It shall evaluate and approve courses for affiliations. If at any time, the board determines that any approved school is not maintaining the standards required by this law and by the board, notice thereof in writing specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools.

Subd. 2. **New school.** An institution desiring to initiate a school to prepare persons for licensing pursuant to sections 148.29 to 148.297 and 148.299 shall apply to the board and submit evidence that it is prepared to meet the standards established by this law and by the board. Upon satisfactory proof that adequate preparation has been made to comply with the standards established by this law and by the board, the board shall approve the establishment of the school.

[1947 c 407 s 3; 1955 c 617 s 3; 1965 c 496 s 2; 1975 c 360 s 17]

148.293 VIOLATIONS, EXEMPTIONS. Subdivision 1. It is unlawful for any person, corporation, or association to:

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(1) Conduct a school of nursing for the training of persons to become licensed practical nurses unless the school is approved by the board.

(2) Use in connection with his or her name the words practical nurse, licensed practical nurse, or the letters "PN", "LPN", or any designation tending to imply that he or she is a practical nurse, or licensed practical nurse unless such person is licensed by the board.

(3) Practice practical nursing unless duly licensed and currently registered to do so under the provisions of sections 148.29 to 148.297 and 148.299.

(4) Sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein.

(5) Practice practical nursing under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

(6) Practice practical nursing in a manner prohibited by the board in any restriction of a license or registration issued under the provisions of sections 148.29 to 148.297 and 148.299.

(7) Practice practical nursing during the time his license or current registration issued under the provisions of sections 148.29 to 148.297 and 148.299 shall be suspended or revoked.

Subd. 2. Any person, corporation, or association violating any provisions of subdivision 1 is guilty of a misdemeanor.

[1947 c 407 s 4; 1955 c 617 s 4; 1965 c 496 s 3; 1971 c 418 s 6; 1975 c 360 s 18]

148.294 REGISTRATION. Subdivision 1. **Annual registration.** Every licensed practical nurse shall register annually with the board for each calendar year and pay a fee on or before December 31 of the immediately preceding year; thereupon, the board shall issue a certificate of renewal registration. A penalty fee shall be added for renewal registration applications postmarked after December 31 of the immediately preceding year.

Subd. 2. **Failure to re-register.** A person licensed under the provisions of section 148.291 who fails to re-register within the period hereinbefore provided shall be deemed delinquent and shall not be entitled to practice nursing in this state as a licensed practical nurse, until an application for renewal registration has been filed with the board accompanied by a registration fee for each calendar year during which said applicant has been delinquent, up to a maximum stipulated by the board by rule, and a certificate of re-registration issued to such person.

Subd. 3. **Notice of temporary retirement.** A person licensed under the provisions of section 148.291 who desires to retire from practice temporarily, shall send a written notice to the board. Upon the receipt of such notice the board shall place the name of such person on the non-practicing list. While so remaining on this list, the person shall not be subject to the payment of any fees, and shall not practice nursing in this state. When such person desires to resume practice he or she shall make application for re-registration and pay the annual registration fee for the current year to the board, and the registration certificate shall be issued to such applicant, and such person shall immediately be placed on the practicing list as a licensed practical nurse.

Subd. 4. **Fee for license verification.** A person licensed under the provisions of sections 148.29 to 148.297 who requests the board to verify such Minnesota license to another jurisdiction shall pay a fee of \$5 to the board for each verification.

[1947 c 407 s 5; 1955 c 617 s 5; 1961 c 177 s 1; 1967 c 68 s 4; 1969 c 53 s 5,6; 1971 c 131 s 2; 1975 c 360 s 19,20]

148.295 MS 1953 [Renumbered 120.44]

148.295 ALLOWABLE UNLICENSED PRACTICES. The provisions of sections 148.29 to 148.297 shall not prohibit:

(1) The practice of practical nursing by any legally qualified licensed practical nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties;

(2) Under the direct supervision of a registered nurse, the practice of practical nursing by a graduate of a school of practical nursing approved by the board between the date of graduation and the date of notification to the graduate of the board action

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upon his application for licensure hereunder, provided that the graduate will take the first licensure examination following graduation and will be issued a permit by the board to engage in supervised practice. The permits shall not be renewable.

[1975 c 360 s 21]

148.296 BOARD; RULES. Subdivision 1. The board is authorized to adopt rules as may be necessary to effectuate the provisions of sections 148.29 to 148.297 and 148.299. It has power to issue subpoenas, and to compel the attendance of witnesses, and to administer oaths. It shall cause the prosecution of all persons violating sections 148.29 to 148.294 and 148.299.

Subd. 2. [Repealed, 1975 c 136 s 77]

[1955 c 617 s 6; 1961 c 177 s 2; 1973 c 638 s 18; 1975 c 360 s 22]

148.297 REVOCATION OR SUSPENSION OF LICENSE. Subdivision 1. The board shall have power pursuant to procedures specified in the administrative procedure act, unless otherwise permitted in this section, to deny, revoke, restrict or suspend the license and registration of any person to practice practical nursing issued by the board or applied for in accordance with the provisions of sections 148.29 to 148.294, or to otherwise discipline a licensee or applicant upon proof that the person:

(1) Has employed fraud or deceit in procuring or attempting to procure a license or annual registration for the practice of practical nursing;

(2) Has been convicted of a felony or gross misdemeanor;

(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) Has, in his or her occupational capacity, exhibited behavior which creates an undue risk of harm to others;

(6) Is guilty of unethical practice of practical nursing;

(7) Has wilfully or repeatedly violated any of the provisions of sections 148.29 to 148.294.

Subd. 2. [Repealed, 1976 c 222 s 209]

Subd. 3. Any practical nurse whose license or registration has been suspended, restricted or revoked may have his license reinstated and a new registration issued when in the discretion of the board such action is warranted. The nurse may be required by the board to pay 50 percent of the costs of the proceedings resulting in the suspension or revocation of the license or registration certificate and reinstatement of the license or renewal certificate, and the fee for the current year's registration.

[1955 c 617 s 7; 1975 c 360 s 23]

148.298 DISPOSITION OF FEES. All fees charged and collected by the board shall be deposited in the general fund. The cost of administering sections 148.29 to 148.298 shall be paid from appropriations made to the board of nursing.

[1975 c 136 s 15]

148.299 UNAUTHORIZED PRACTICE OF PRACTICAL NURSING. The practice of practical nursing by a person who has not been licensed to practice practical nursing under the provisions of sections 148.29 to 148.299, or whose license or registration certificate has been denied, suspended or revoked, or has expired is declared to be inimical to the public health and welfare and to constitute a public nuisance.

[1975 c 360 s 24; 1976 c 222 s 59]

MIDWIVES

148.30 MIDWIFERY. Within the meaning of sections 148.30 to 148.32, a person who shall publicly profess to be a midwife or who, for a fee, shall attend to women in childbirth, shall be regarded as practicing midwifery. Nothing in sections 148.30 to 148.32 shall apply to gratuitous emergency services or to authorized medical practitioners.

[RL s 2301] (5721)

148.31 LICENSES. A person desiring to practice midwifery in this state, if not already authorized so to do, shall apply to the state board of medical examiners for a

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license. This license shall be granted upon the production of a diploma from a school of midwifery recognized by the board or, after examination of the applicant, upon the consent of seven members thereof. Examinations shall be held concurrently with those provided for applicants for physicians' licenses. The fee for a license granted on diploma shall be \$1, and on examination, \$2.

[*RL s 2302*] (5722)

148.32 LICENSES; DENIAL, REVOCATION, REFUSAL. All licenses to practice midwifery heretofore or hereafter issued by the board of medical examiners must be renewed and a fee paid for each renewal as set by the board. Licenses may be revoked, suspended, conditioned, limited, qualified or restricted, or renewals refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases.

A license to practice midwifery is suspended if (1) a guardian of the person of a licensee is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the licensee; or (2) the licensee is committed by order of a probate court pursuant to sections 253A.01 to 253A.21 or 526.09 to 526.11. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing.

[*RL s 2303; 1967 c 118 s 1; 1969 c 927 s 5; 1976 c 222 s 60*] (5723)

148.33 [Repealed, 1974 c 62 s 4]

148.34 [Repealed, 1974 c 62 s 4]

148.35 [Repealed, 1974 c 62 s 4]

148.36 [Repealed, 1974 c 62 s 4]

148.37 [Repealed, 1974 c 62 s 4]

148.38 [Repealed, 1967 c 845 s 14]

148.39 [Repealed, 1967 c 845 s 14]

148.40 [Repealed, 1967 c 845 s 14]

148.41 [Repealed, 1974 c 62 s 4]

148.42 [Repealed, 1967 c 845 s 14]

148.43 [Repealed, 1974 c 62 s 4]

148.44 [Repealed, 1967 c 845 s 14]

148.45 [Repealed, 1974 c 62 s 4]

148.46 [Repealed, 1974 c 62 s 4]

148.47 [Repealed, 1974 c 62 s 4; 1974 c 224 s 6]

148.48 [Repealed, 1974 c 62 s 4]

148.51 [Repealed, 1974 c 62 s 4]

148.511 [Repealed, 1974 c 62 s 4]

OPTOMETRISTS

148.52 BOARD OF OPTOMETRY. The board of optometry shall consist of two public members as defined by section 214.02 and five qualified optometrists appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

[*1915 c 127 s 1; 1925 c 239 s 1; 1929 c 420 s 1; 1973 c 62 s 1; 1973 c 638 s 20; 1975 c 136 s 16; 1976 c 222 s 61; 1976 c 239 s 56*] (5785)

148.53 POWERS OF BOARD. The state board of optometry shall have the power to make any rules and regulations and to do any and all things not inconsistent with law which it may deem necessary or expedient for the effective enforcement of

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sections 148.52 to 148.62 or for the full and efficient performance of its duties thereunder.

[1915 c 127 s 2; 1925 c 239 s 2; 1929 c 420 s 2] (5786)

148.54 BOARD; SEAL. The board of optometry shall elect from among its members a president and may adopt a seal.

[1915 c 127 s 3; 1925 c 239 s 3; 1949 c 267 s 1; 1975 c 136 s 17; 1976 c 222 s 62] (5787)

148.55 [Repealed, 1976 c 222 s 209]

148.56 OPTOMETRISTS. Any person shall be deemed to be practicing optometry within the meaning of sections 148.52 to 148.62 who shall display a sign, such as an eye, a pair of eyes, a pair of glasses or spectacles, or who shall in any way advertise himself as an optometrist, or who shall employ any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof, or have in his possession testing appliances for the purpose of the measurement of the powers of vision, or diagnose any optical deficiency or deformity, visual or muscular anomaly of the human eye, or prescribe lenses, prisms, or ocular exercises for the correction or the relief of same, or who holds himself out as being able to do so. It shall be unlawful for any person who is not licensed as an optometrist in this state to fit, sell, or dispose of, or to take, receive, or solicit any order for the fitting, sale, or disposition of, any spectacles, eye glasses, or lenses for the correction of vision in any place within the state other than an established place of business wherein such spectacles, eye glasses, or lenses are commonly sold and dealt in; and it shall be unlawful for any person, not licensed as an optometrist thereunder, to sell or dispose of, at retail, any spectacles, eye glasses, or lenses for the correction of vision in any established place of business or elsewhere in this state except under the supervision, direction, and authority of a duly licensed optometrist holding a certificate under sections 148.52 to 148.62, who shall be in charge of and in personal attendance at the booth, counter, or place where such articles are sold or disposed of. Nothing in sections 148.52 to 148.62 shall be construed to apply to the sale of toy glasses, goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses or to the replacement of duplications of broken lenses, nor to sales upon prescription from persons legally authorized by the laws of this state to examine eyes and prescribe glasses therefor, nor shall it apply to regularly licensed physicians and surgeons. It shall be unlawful for any person to engage in the practice of optometry without first procuring and filing for record a certificate of registration as a licensed optometrist pursuant to this section.

[1915 c 127 s 5; 1925 c 239 s 5; 1929 c 420 s 3] (5789)

148.57 LICENSE. Subdivision 1. Examination. A person not authorized to practice optometry in the state and desiring to do so shall apply to the secretary of the state board of optometry for examination and pay to the board a fee in an amount set by the board. The candidate desiring to apply for examination by the board shall complete a form furnished by the board and shall file the same with the secretary of the board at least two weeks prior to the date of the examination. With the submission of the application form, the candidate shall prove (a) that he is of good moral character, and (b) that he is a graduate of an optometry school requiring at least two academic years of preprofessional training for admittance to such school and which has been approved by the board, or that he is currently enrolled in the final year of study at such a school. The examination shall include both a written test and a practical demonstration and shall thoroughly test the fitness of the candidate to practice in this state. In regard to the written examination, the board (a) may prepare, administer, and grade the examination itself or (b) may recognize and approve in whole or in part a similar examination prepared, administered and graded by the national board of examiners in optometry or (c) may administer a recognized and approved examination prepared and graded by or under the direction of the national board of examiners in optometry. The board shall issue a license to each applicant who satisfactorily passes the examination and fulfills the other requirements stated in this section. The applicant shall pay to the board a fee as set by the board upon issuance of the license. In the event the candidate fails to pass a part of the examination, upon the payment of an additional fee as set by the board, he may retake the examination at the time the board next schedules such examinations. The fees mentioned in this section are for the use of the board and in no case shall be refunded.

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Subd. 2. **Reciprocity.** A person who holds a certificate of registration, or license, from another state, and who has practiced not less than three years in that state, may apply for licensure in Minnesota by filling out and swearing to an application for license by reciprocity form furnished by the board and by filing that form with the board secretary along with a fee as set by the board at least two weeks prior to the regular meeting at which the board is considering such applications. The application fee as set by the board shall be for the use of the board and in no case shall be refunded. To verify that the applicant possesses the knowledge and ability essential to the practice of optometry in this state, the board may for good cause request the applicant to perform a practical demonstration to its satisfaction. The applicant may then be issued a license if the requirements for registration or licensure in the other state are deemed by the board to be equivalent to those of sections 148.52 to 148.62; provided, that the other state accords like privileges to holders of certificates from the Minnesota board.

Subd. 3. **Revocation, suspension.** The board may revoke the license or suspend the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who is found by the board to be grossly incompetent, afflicted with contagious disease, an habitual drunkard, or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, price advertising, and free examination advertising, the loaning of his license by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person.

Subd. 4. **Peddling or canvassing forbidden.** Every licensed optometrist who shall temporarily practice optometry outside or away from his regular registered place of business shall display his license and deliver to each customer or person there fitted or supplied with glasses a receipt or record which shall contain his signature and show his permanent registered place of business or post-office address and number of his license, together with the amount charged therefor, but nothing contained in this section shall be construed as to permit peddling or canvassing by licensed optometrists.

[1915 c 127 s 6; 1925 c 239 s 6; 1929 c 420 s 4; 1949 c 267 s 3; 1967 c 381 s 2; 1973 c 62 s 2-4; 1976 c 222 s 63] (5790)

148.58 [Repealed, 1976 c 222 s 209]

148.59 LICENSE RENEWAL; FEE. A licensed optometrist shall pay to the state board of optometry a fee as set by the board in order to renew his license as provided by board rule.

[1915 c 127 s 8; 1925 c 239 s 8; 1949 c 267 s 4; 1959 c 378 s 1; 1967 c 381 s 4; 1973 c 62 s 6; 1976 c 222 s 64] (5792)

148.60 EXPENSES. The expenses of administering sections 148.52 to 148.62 shall be paid from appropriations made to the board of optometry.

[1915 c 127 s 9; 1925 c 239 s 9; 1955 c 847 s 14; 1973 c 638 s 21; 1975 c 136 s 19; 1976 c 222 s 65] (5793)

148.61 PENALTY. Subdivision 1. [Repealed, 1945 c 242 s 14]

Subd. 2. [Renumbered 148.511, subd 1]

Subd. 3. [Renumbered 148.101]

Subd. 4. [Renumbered 148.511, subd 2]

Subd. 5. Every person who shall violate any of the provisions of sections 148.52 to 148.62 shall be guilty of a gross misdemeanor.

[1915 c 127 s 10; 1925 c 239 s 10] (5794)

148.62 APPLICATION. Sections 148.52 to 148.62 shall not be construed as forbidding any person licensed to practice any profession in this state from engaging in

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such profession as it may now be defined by law.

[1925 c 239 s 13] (5796-1)

PHYSICAL THERAPY

148.65 DEFINITIONS. Subdivision 1. **Physical therapy.** As used in sections 148.65 to 148.78 the term "physical therapy" means the treatment of any bodily or mental disorder of any person by the use of the physical, chemical and other properties of heat or cold, light, water, electricity, massage, mechanical devices and therapeutic exercise, which includes posture and rehabilitation procedures, provided however, the use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in sections 148.65 to 148.78.

Subd. 2. **Physical therapist.** "Physical therapist" means a person who practices physical therapy as defined in sections 148.65 to 148.78 under the prescription, and direct supervision of a person licensed and registered in this state to practice medicine and surgery and whose license is in good standing.

[1951 c 479 s 1]

148.66 STATE BOARD OF MEDICAL EXAMINERS, DUTIES. The state board of medical examiners, as now or hereafter constituted, hereinafter termed "the board," in the manner hereinafter provided, shall administer the provisions of this law.

[1951 c 479 s 2]

148.67 EXAMINING COMMITTEE. The board of medical examiners shall appoint an examining committee in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The examining committee shall consist of five members, citizens and residents of the state of Minnesota, composed of three physical therapists, one licensed and registered doctor of medicine in the general practice of medicine, and one professor or associate or assistant professor from a course in physical therapy accredited by the board of medical examiners. The committee shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.

[1951 c 479 s 3; 1975 c 136 s 20; 1976 c 222 s 66; 1976 c 239 s 71]

148.68 [Repealed, 1975 c 136 s 77]

148.69 [Repealed, 1975 c 136 s 77]

148.70 APPLICANTS, QUALIFICATIONS. It shall be the duty of the board of medical examiners to pass upon the qualifications of applicants for registration, provide for and conduct all examinations, determine the applicants who successfully pass examination, and duly register such applicants. A person who desires to be registered as a physical therapist and who

(a) is at least 18 years old;

(b) is of good moral character;

(c) has obtained a high school education or its equivalent as determined by the board, and

(d) has been graduated by a school of physical therapy approved by the board for training physical therapists, may make application on a form furnished by the board, for examination for registration as a physical therapist as defined in sections 148.65 to 148.78. In determining whether or not such approval shall be given, the board may take into consideration the approval or nonapproval of such schools by the appropriate council of the American Medical Association or of the Canadian Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. Such examination shall embrace the following subjects: the applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy, as defined in sections 148.65 to 148.78, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; and technical procedures in the practice of physical therapy as defined in sections 148.65 to 148.78, and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board \$15, no portion

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of which shall be returned.

[1951 c 479 s 6; 1973 c 725 s 17; 1975 c 136 s 21]

148.71 REGISTRATION. The state board of medical examiners shall register as a physical therapist, and shall furnish a certificate of registration to each applicant who successfully passes the examination provided for in sections 148.65 to 148.78 for registration as a physical therapist, and who is otherwise qualified as required herein.

[1951 c 479 s 7]

148.72 EXAMINATIONS. Subdivision 1. **When not required.** The state board of medical examiners may register as a physical therapist, and may furnish a certificate of registration without examination to any person who applies for such registration on or before December 31, 1951, and who on April 18, 1951, meets the qualifications for a physical therapist or junior physical therapist as set forth by the American Registry of Physical Therapists, and who, at the time of application, is practicing physical therapy in the state of Minnesota, and who is otherwise qualified as required herein. At the time of making such application, such applicant shall pay to the board a fee of \$15, no portion of which shall be returned.

Subd. 2. **Certificate of registration.** Said board may issue a certificate of registration in physical therapy without examination therein to an applicant who presents evidence satisfactory to the board of having passed the examination of the American Registry of Physical Therapists, or an examination before a similar lawfully authorized examining board or officer of another state or of a foreign country, if the standards of such other state or foreign country are determined by said board to be as high as those of this state. At the time of making such application the applicant shall pay to the Board a fee of \$15, no portion of which shall be returned.

[1951 c 479 s 8]

148.73 RENEWALS. Every registered physical therapist shall, during the month of January 1952, and during each January thereafter, apply to the board for an extension of his registration and pay a fee of \$5. Registration that is not so extended on or before January 31 each year, shall automatically lapse on said date. The board, in its discretion, may revive and extend a lapsed registration on the payment of the required fees. Registrants shall likewise pay the said annual registration fee of \$5 for the balance of the first year of their registration.

[1951 c 479 s 9; 1959 c 282 s 1; 1961 c 323 s 1]

148.74 RULES. The board is authorized to adopt such rules and regulations as may be necessary to carry out the purposes of sections 148.65 to 148.78. The secretary of the board shall keep a record of proceedings under these sections and a register of all persons registered under it. The register shall show the name, address, date and number of registration, and the renewal thereof. The board shall, on or before April 30 of each year, compile a list of such registered physical therapists and mail a copy thereof to the state board of health and the county attorney of each county. Any other interested person in the state may obtain a copy of such list on request to the board upon payment of such amount as may be fixed by the board, which shall not exceed the cost of the list so furnished. The board shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business of the board and the state examining committee hereunder, and all money received by the board under sections 148.65 to 148.78 shall be paid into the state treasury as provided for by law, to be kept in a separate fund which shall be under the control, and for the use, of the board in carrying out and assisting in the enforcement of the provisions thereof.

[1951 c 479 s 10]

148.75 CERTIFICATES; DENIAL, SUSPENSION, REVOCATION. The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend, revoke, condition, limit, qualify or restrict the registration of any physical therapist for any of the following grounds:

(a) Inability to practice physical therapy with reasonable skill and safety to patients by reason of illness, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any physical or mental condition;

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- (b) Conviction of a felony;
- (c) Conviction of an offense involving moral turpitude;
- (d) Conviction for violating any state or federal narcotic law;
- (e) Procuring, aiding or abetting a criminal abortion;
- (f) Obtaining, or attempting to obtain, registration by fraud or deception;
- (g) Conduct unbecoming a person registered as a physical therapist or detrimental to the best interests of the public;
- (h) The treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by sections 148.65 to 148.78, and the undertaking to practice physical therapy independent of the prescription and direct supervision of a person licensed and registered in this state to practice medicine and surgery.

A certificate of registration to practice physical therapy is suspended if (1) a guardian of the person of the physical therapist is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a probate court pursuant to sections 253A.01 to 253A.21 or 526.09 to 526.11. The certificate of registration remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the board of medical examiners after a hearing.

[1951 c 479 s 11; 1967 c 119 s 1; 1969 c 6 s 27; 1969 c 927 s 7; 1974 c 61 s 1; 1974 c 406 s 23]

148.76 CERTAIN WORDS, USE PROHIBITED. Any person who shall, in any manner, represent himself as a physical therapist, or who uses in connection with his name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, P.T., P.T.T. or R.P.T., or any letters, words, abbreviations or insignia indicating or implying that he is a physical therapist, without a valid existing certificate of registration as a physical therapist issued to him pursuant to the provisions of sections 148.65 to 148.78, shall be guilty of a gross misdemeanor. Nothing therein shall prohibit any person licensed or registered, in this state, under another law, from carrying out the therapy or practice for which he is duly licensed or registered.

[1951 c 479 s 12]

148.77 VIOLATIONS. Subdivision 1. Any person employing fraud or deception in applying for or securing a certificate of registration as a physical therapist, shall be guilty of a gross misdemeanor.

Subd. 2. A person registered under sections 148.65 to 148.78 as a physical therapist shall not treat human ailments by physical therapy except under the prescription and direct supervision of a person licensed in this state to practice medicine and surgery and whose license is in good standing.

Subd. 3. A person registered under sections 148.65 to 148.78 as a physical therapist shall not treat human ailments other than by physical therapy unless duly licensed or registered so to do under the laws of this state.

Subd. 4. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

[1951 c 479 s 13]

148.78 PROSECUTION, ALLEGATIONS. In the prosecution of any person for violation of sections 148.65 to 148.78 as specified in section 148.76, it shall not be necessary to allege or prove want of a valid certificate of registration in physical therapy, but such matter shall be a matter of defense to be established by the accused.

[1951 c 749 s 14]

PSYCHOLOGISTS

148.79 [Repealed, 1973 c 685 s 14; 1976 c 2 s 67]

148.80 [Repealed, 1973 c 685 s 14]

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148.81 [Repealed, 1973 c 685 s 14; 1974 c 406 s 91]

148.82 [Repealed, 1973 c 685 s 14]

148.83 [Repealed, 1973 c 685 s 14]

148.84 [Repealed, 1973 c 685 s 14]

148.85 [Repealed, 1973 c 685 s 14; 1976 c 2 s 67]

148.86 [Repealed, 1973 c 685 s 14]

148.87 [Repealed, 1976 c 2 s 66]

148.88 CITATION. Sections 148.88 to 148.99 may be cited as the Minnesota licensing law for psychologists.

[1973 c 685 s 1]

148.89 DEFINITIONS. Subdivision 1. For the purpose of Laws 1973, Chapter 685 the term "private practice of psychology" means the application for a fee, monetary or otherwise, to the public of psychological principles in the description, prediction and modification of human behavior and emotional adjustment, including but not restricted to such practices as:

(1) Psychological assessment, including such functions as intelligence, personality, aptitude, and attitude appraisal;

(2) Psychological treatment of persons who have adjustment problems;

(3) Psychological counseling and guidance;

(4) Conducting behavioral research; and

(5) Teaching of psychology.

Subd. 2. For the purpose of Laws 1973, Chapter 685 the term "collaboration" means consultation between a licensed psychologist and a licensed consultant psychologist on at least an annual basis but shall not necessarily require consultation on each case referred to a licensed psychologist.

[1973 c 685 s 2]

148.90 BOARD OF PSYCHOLOGY. Subdivision 1. The board of psychology is hereby created with powers and duties as hereinafter prescribed. The board shall consist of 11 members. In its initial composition, membership shall consist of (1) three psychologists whose qualifications shall be not less than those specified in section 148.91, subdivision 4, (2) two psychologists whose qualifications shall be those specified in section 148.91, subdivision 5, (3) two doctoral level psychologists, not necessarily licensed under Laws 1973, Chapter 685, whose specialities broadly represent the fields of interest in psychology, and (4) four public members. After the initial appointments, members specified in clause (1) shall be licensed consulting psychologists and members specified in clause (2) shall be licensed psychologists.

Subd. 2. The members of the board shall:

(1) Be appointed by the governor;

(2) Be residents of the state;

(3) Serve for not more than two consecutive terms;

(4) Designate the officers of the board, and pursuant to chapter 15, prescribe rules as may be necessary to enable it to carry into effect the provisions of Laws 1973, Chapter 685; and

(5) Administer oaths pertaining to the business of the board.

Public members of the board shall broadly represent the public interest and shall not: (a) be members of health professions licensed by the state of Minnesota; (b) be a spouse, parent, child, or employee of a practicing psychologist or of a health professional licensed by the state of Minnesota; or (c) be persons who are or were before their retirement persons who were engaged on a full or part time basis in the practice of psychology.

Subd. 3. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees;

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and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

Subd. 4. [Repealed, 1975 c 136 s 77]

Subd. 5. [Repealed, 1975 c 136 s 77]

[1973 c 685 s 3; 1975 c 136 s 22,23; 1975 c 271 s 6; 1976 c 222 s 67]

148.91 REQUIREMENTS OF LICENSES. Subdivision 1. The board may grant licenses for two levels of psychological practice. The persons so licensed are to be known and are hereafter referred to as (a) licensed consulting psychologist and (b) licensed psychologist, or if both levels are referred to, as licensee.

Subd. 2. Before granting any such license the board shall require every applicant therefor to pass an examination in psychology. This examination shall be given at least once each year, at such time and place and under such supervision as the board prescribes.

Subd. 3. Each applicant shall pay a nonrefundable application fee set by the board. The licenses granted hereunder shall be valid for a period as set by the board. The fee for renewal shall be set by the board.

Subd. 4. To become a licensed consulting psychologist a person must fulfill and comply with the requirements of subdivision 2 and satisfy the board that he:

- (1) Has attained the age of majority;
- (2) Is of good moral character and is not found to be engaging in unethical practices as defined within the code of ethics adopted pursuant to section 148.98;
- (3) Has received a doctorate degree with a major in psychology, which may include educational and child psychology, from an educational institution meeting standards which may be prescribed by regulation of the board; and
- (4) Has had at least two full years or their equivalent of post doctoral employment as a psychologist.

Subd. 5. To become a licensed psychologist, a person must have:

- (1) Received a doctorate or master's degree or has received the equivalent of a master's degree in a doctoral program with a major in psychology, which may include educational and child psychology, from an educational institution meeting the standards which may be prescribed by regulation of the board;
- (2) At least two full years of experience or its equivalent of employment as a psychologist after receiving the training upon which application for this license is made;
- (3) Otherwise fulfilled and complied with subdivision 2 and subdivision 4, clauses (1) and (2).

[1973 c 685 s 4; 1976 c 222 s 68,69]

148.92 WAIVERS. Subdivision 1. For a period of two years from July 1, 1973 the board shall waive the requirements of section 148.91, subdivision 2, and grant the appropriate license to any person who meets or has met the requirements of section 148.91, subdivisions 3, and 4, or 5, who is qualified by experience to practice at the appropriate level of psychology, and who has engaged in such practice of a nature satisfactory to the board for at least two years or its equivalent, within five years prior to July 1, 1973.

Subd. 2. The board may grant a license without an examination to any person who at the time of application is licensed or certified by a similar board of another state whose standards, in the judgment of the board, are not lower than those required by Laws 1973, Chapter 685 at the time he was licensed or certified in said state; or who is a diplomate of the American board of professional psychology.

Subd. 3. The board may grant a license as a consulting psychologist without an examination to any person residing in the state who has applied for said license on or before a date two years after July 1, 1973 and who fulfills and complies with section 148.91, subdivisions 3, 4, clauses (1) and (2), and 5, clause (1), and who has had at least ten years experience of a type satisfactory to the board.

[1973 c 685 s 5]

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148.93 LIMITATION. A licensed psychologist may engage in private practice only in collaboration with at least one licensed consulting psychologist in his field of practice. In addition, a licensed psychologist so collaborating may form any other working relationships with members of his own or other professions insofar as these do not violate other sections of this or other Minnesota Statutes. It shall be unlawful for any licensed psychologist or licensed consulting psychologist to divide fees with, or to pay a commission to, or to pay a referral fee to any other person who calls him in consultation or sends clients to him for psychological services as defined in Laws 1973, Chapter 685, provided that payment of a fee for collaborative services performed is not prohibited by this section.

[1973 c 685 s 6]

148.94 [Repealed, 1976 c 222 s 209]

148.95 SUSPENSION AND REVOCATION. The license of any consulting psychologist or psychologist may be suspended or revoked by the board upon proof that he has been guilty of unprofessional conduct as defined by the rules established by the board or has violated the code of ethics adopted by the board.

For reasons it deems sufficient and upon a vote of six of its members, the board may restore a license which has been revoked, reduce a period of suspension or withdraw a reprimand.

[1973 c 685 s 8; 1975 c 136 s 24; 1976 c 222 s 70]

148.96 PRESENTATION TO PUBLIC. No individual shall present himself or permit himself to be presented to the public by any title incorporating the word "psychological," "psychologist," or "psychology" other than those so licensed by Laws 1973, Chapter 685; except that:

(1) Any psychologically trained individual employed by educational institutions recognized by a regional accrediting organization, federal, state, county, or local governmental institutions, agencies, research facilities, or agencies providing services on a contracting basis may represent himself by the academic or research title designated by that organization;

(2) Any psychologically trained individual from such recognized institutions, as given in clause (1), may offer lecture services and be exempt from the provisions of this section; and

(3) Persons preparing for the profession of psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern," "psychological trainee," or others clearly indicating such training status.

[1973 c 685 s 9]

148.97 PENALTIES. Subdivision 1. Any person who shall engage in the private practice of psychology without having obtained a license under Laws 1973, Chapter 685 and any person who shall violate any other provision of Laws 1973, Chapter 685 shall be guilty of a misdemeanor.

Subd. 2. [Repealed, 1976 c 222 s 209]

Subd. 3. (1) Nothing in Laws 1973, Chapter 685 shall be construed to limit the professional pursuits consistent with their training and code of ethics of professions such as teachers in recognized public and private schools, clergymen, physicians, social workers, alcohol or drug counselors, or optometrists or attorneys. However, in such performance any title used must be in accord with section 148.96.

(2) Persons preparing for the profession of psychology may perform as a part of their training any functions specified in section 148.89, but only under qualified supervision.

(3) Use of psychological techniques by business and industrial organizations for their own personnel purposes or by employment agencies or state vocational rehabilitation agencies for the evaluation of their own clients prior to recommendation for employment is also specifically allowed. However, no representative of an industrial or business firm or corporation may sell or offer for sale any psychological services as specified in section 148.89 unless such services are performed or supervised by individuals licensed under Laws 1973, Chapter 685.

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Subd. 4. Nothing in Laws 1973, Chapter 685 is to be construed as restricting a sociologist who holds a doctoral degree in sociology or social psychology awarded by an accredited institution, and who elects to represent himself to the public by the title "social psychologist" and who has notified the board of his intention to represent himself as such.

Subd. 5. A psychological consultant who is not a resident of the state of Minnesota, but is licensed or certified by a similar board of another state whose standards, in the judgment of the board, are not lower than those required by Laws 1973, Chapter 685 at the time he was licensed or certified in said state or who meets the requirements of section 148.91, subdivision 4, and resides in a state which does not grant certification or licenses to psychologists may offer professional services in this state for no more than 60 days in any calendar year without holding a license under Laws 1973, Chapter 685, provided that such persons shall report to the board the nature and extent of their practice in this state if it exceeds 12 days in any calendar year.

Subd. 6. Nothing in Laws 1973, Chapter 685 shall be construed to authorize a person licensed under Laws 1973, Chapter 685 to engage in the practice of any other profession regulated under Minnesota law unless he is duly licensed or registered in that profession.

[1973 c 685 s 10; 1976 c 222 s 71]

148.98 CODE OF ETHICS. The board shall adopt a code of ethics to govern appropriate practices or behavior, as referred to in section 148.89. The board shall file such code with the secretary of state at least 30 days prior to the effective date of such code. This code of ethics shall include, but not be limited to, the following principles:

(1) The psychologist recognizes the boundaries of his competence and the limitation of his techniques and does not offer services or use techniques that fail to meet professional standards established in particular fields.

(2) The psychologist who engages in practice assists his client in obtaining professional help for all important aspects of his problem that fall outside the boundaries of the psychologist's competence.

(3) A psychologist does not claim either directly or by implication professional qualifications that differ from actual qualifications, nor does he misrepresent his affiliation with any institution, organization, or individual, nor lead others to assume he has affiliations that he does not have.

[1973 c 685 s 11; 1976 c 222 s 72]

148.99 Subdivision 1. [Repealed, 1976 c 222 s 209]

Subd. 2. [Expired]