

Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

2009, Regular Session

CHAPTER 79--H.F.No. 1362

An act

relating to state government; making changes to ..., the Department of Health,... establishing and increasing fees; amending Minnesota Statutes 2008, ...;148.6445, by adding a subdivision;

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

ARTICLE 4 DEPARTMENT OF HEALTH

Sec. 10. Minnesota Statutes 2008, section 148.6445, is amended by adding a subdivision to read:

Subd. 2a. **Duplicate license fee.** The fee for a duplicate license is \$25.

CHAPTER 157--H.F.No. 1745

An act

relating to health; ...; modifying provisions in health occupations for ... occupational therapists; expanding definition of licensed health care professional; ...; amending Minnesota Statutes 2008, sections 148.512, subdivision 13; 148.5193, subdivision 6a; 148.5194, subdivisions 2, 3, 7; 148.6402, subdivisions 13, 22a; 148.6405; 148.6440, subdivision 2;

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

ARTICLE 1 HEALTH-RELATED PROVISIONS

Sec. 8. Minnesota Statutes 2008, section 148.6402, subdivision 13, is amended to read:

Subd. 13. **Licensed health care professional.** "Licensed health care professional" means a person licensed in good standing in Minnesota to practice medicine, osteopathy, chiropractic, podiatry, advanced practice registered nursing, or dentistry, or is a person registered as a physician assistant in Minnesota.

Sec. 9. Minnesota Statutes 2008, section 148.6402, subdivision 22a, is amended to read:

Subd. 22a. **Limited license.** "Limited license" means a license issued according to section 148.6425, subdivision 3, paragraph (c), to persons who ~~have allowed their license to lapse for four~~ two years or more ~~and did not apply for a license after meeting the requirements in section 148.6408 or 148.6410 or who choose a supervised practice as the method for renewing their license status~~ allowed their license to lapse for four years or more.

Sec. 10. Minnesota Statutes 2008, section 148.6405, is amended to read:

148.6405 LICENSURE APPLICATION REQUIREMENTS: PROCEDURES AND QUALIFICATIONS.

- (a) An applicant for licensure must comply with the application requirements in section 148.6420. To qualify for licensure, an applicant must satisfy one of the requirements in paragraphs (b) to (f) and not be subject to denial of licensure under section 148.6448.
- (b) A person who applies for licensure as an occupational therapist and who has not been credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must meet the requirements in section 148.6408.
- (c) A person who applies for licensure as an occupational therapy assistant and who has not been credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must meet the requirements in section 148.6410.
- (d) A person who is certified by the National Board for Certification in Occupational Therapy may apply for licensure by equivalency and must meet the requirements in section 148.6412.
- (e) A person who is credentialed in another jurisdiction may apply for licensure by reciprocity and must meet the requirements in section 148.6415.
- (f) A person who applies for temporary licensure must meet the requirements in section 148.6418.
- (g) A person who applies for licensure under paragraph (b), (c), or (f), more than two and less than four years after meeting the requirements in section 148.6408 or 148.6410 must submit the following:
- (1) a completed and signed application for licensure on forms provided by the commissioner;
 - (2) the license application fee required under section 148.6445;
 - (3) if applying for occupational therapist licensure, proof of having met a minimum of 24 contact hours of continuing education in the two years preceding licensure application, or if applying for occupational therapy assistant licensure, proof of having met a minimum of 18 contact hours of continuing education in the two years preceding licensure application;
 - (4) verified documentation of successful completion of 160 hours of supervised practice approved by the commissioner under a limited license specified in section 148.6425, subdivision 3, paragraph (c); and
 - (5) additional information as requested by the commissioner to clarify information in the application, including information to determine whether the individual has engaged in conduct warranting disciplinary action under section 148.6448. The information must be submitted within 30 days after the commissioner's request.
- (h) A person who applied for licensure under paragraph (b), (c), or (f), four years or more after meeting the requirements in section 148.6408 or 148.6410 must meet all the requirements in paragraph (g) except items (3) and (4), submit documentation of having retaken and passed the credentialing examination for occupational therapist or occupational therapy assistant, or of having completed an occupational therapy refresher program that contains both a theoretical and clinical component approved by the commissioner, and verified documentation of successful completion of 480 hours of supervised practice approved by the commissioner under a limited license specified in section 148.6425, subdivision 3, paragraph (c). Only refresher courses completed within one year prior to date of application qualify for approval.

Sec. 11. Minnesota Statutes 2008, section 148.6440, subdivision 2, is amended to read:
Subd. 2. **Written documentation required.** (a) An occupational therapist must

provide to the commissioner documentation verifying that the occupational therapist has met the educational and clinical requirements described in subdivisions 3 to 5, depending on the modality or modalities to be used. Both theoretical training and clinical application objectives must be met for each modality used. Documentation must include the name and address of the individual or organization sponsoring the activity; the name and address of the facility at which the activity was presented; and a copy of the course, workshop, or seminar description, including learning objectives and standards for meeting the objectives. In the case of clinical application objectives, teaching methods must be documented, including actual supervised practice. Documentation must include a transcript or certificate showing successful completion of the coursework.

Coursework completed more than two years prior to date of application must be retaken.

An occupational therapist who is a certified hand therapist shall document satisfaction of the requirements in subdivisions 3 to 5 by submitting to the commissioner a copy of a certificate issued by the Hand Therapy Certification Commission. Practitioners are prohibited from using physical agent modalities under supervision or independently until granted approval as provided in subdivision 7, except under the provisions in paragraph (b).

(b) If a practitioner has successfully completed a specific course previously reviewed and approved by the commissioner as provided for in subdivision 7, and has submitted the written documentation required in paragraph (a) within 30 calendar days from the course date, the practitioner awaiting written approval from the commissioner may use physical agent modalities under the supervision of a practitioner listed on the roster of persons approved to use physical agent modalities.