

1.1 Senator moves to amend S.F. No. 3298 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 ACUPUNCTURE AND HERBAL MEDICINE PRACTICE

1.5 Section 1. Minnesota Statutes 2024, section 147B.01, is amended by adding a subdivision
1.6 to read:

1.7 Subd. 2a. **Acupuncture.** (a)"Acupuncture" means a unique treatment technique that
1.8 uses modern and traditional medical methods of diagnosis and treatment. It includes the
1.9 insertion of filiform or acupuncture needles through the skin and may include the use of
1.10 other biophysical methods of acupuncture point stimulation, including the use of heat,
1.11 massage, or manual therapy techniques or electrical stimulation. Acupuncture includes but
1.12 is not limited to therapies termed "dry needling," "trigger point therapy," "intramuscular
1.13 therapy," "auricular detox treatment," and similar terms referring to the insertion of needles
1.14 past the skin for pain management, disease or symptom modification, or other related
1.15 treatments.

1.16 (b) Nothing in this subdivision shall be construed to expand or restrict the existing scope
1.17 of practice of other licensed health care professionals.

1.18 Sec. 2. Minnesota Statutes 2024, section 147B.01, subdivision 3, is amended to read:

1.19 Subd. 3. **Acupuncture and herbal medicine practice.** "Acupuncture and herbal medicine
1.20 practice" means a unique and comprehensive system of primary health care using Oriental
1.21 medical theory and its unique methods of diagnosis and treatment. Its treatment techniques
1.22 include the insertion of acupuncture needles through the skin and the use of other biophysical
1.23 methods of acupuncture point stimulation, including the use of heat, Oriental massage
1.24 techniques, electrical stimulation, herbal supplemental therapies, dietary guidelines, breathing
1.25 techniques, and exercise based on Oriental medical principles that uses traditional and
1.26 modern diagnosis, methodology, and treatment techniques based on acupuncture and herbal
1.27 medicine theory, principles, and methods. Treatment techniques include but are not limited
1.28 to acupuncture, cupping, dermal friction, therapeutic massage, herbal therapies, dietary
1.29 guidelines, mind-body exercises, and other appropriate techniques.

2.1 Sec. 3. Minnesota Statutes 2024, section 147B.01, subdivision 4, is amended to read:

2.2 Subd. 4. **Acupuncture needle.** "Acupuncture needle" means a needle designed
2.3 exclusively for ~~acupuncture~~ the purposes of insertion past the skin to alleviate pain, provide
2.4 symptom relief, or modulate disease processes. It has a solid core, with a tapered point, and
2.5 is 0.12 mm to 0.45 mm in thickness. It is constructed of stainless steel, gold, silver, or other
2.6 board-approved materials as long as the materials can be sterilized according to
2.7 recommendations of the National Centers for Disease Control and Prevention.

2.8 Sec. 4. Minnesota Statutes 2024, section 147B.01, subdivision 9, is amended to read:

2.9 Subd. 9. **Breathing techniques.** "Breathing techniques" means ~~Oriental~~ breathing
2.10 exercises taught to a patient as part of a treatment plan.

2.11 Sec. 5. Minnesota Statutes 2024, section 147B.01, subdivision 14, is amended to read:

2.12 Subd. 14. **Herbal therapies or herbal medicine.** "Herbal therapies" ~~are~~ "herbal
2.13 medicine" means the use of herbs and patent herbal remedies as supplements as part of the
2.14 treatment plan of the patient.

2.15 Sec. 6. Minnesota Statutes 2024, section 147B.03, subdivision 2, is amended to read:

2.16 Subd. 2. **Board approval.** The board shall approve a continuing education program if
2.17 the program meets the following requirements:

2.18 (1) it directly relates to the practice of acupuncture;

2.19 (2) each member of the faculty shows expertise in the subject matter by holding a degree
2.20 or certificate from an educational institution, has verifiable experience in ~~traditional Oriental~~
2.21 acupuncture and herbal medicine, or has special training in the subject area;

2.22 (3) the program lasts at least one contact hour;

2.23 (4) there are specific written objectives describing the goals of the program for the
2.24 participants; and

2.25 (5) the program sponsor maintains attendance records for four years.

2.26 Sec. 7. Minnesota Statutes 2024, section 147B.03, subdivision 3, is amended to read:

2.27 Subd. 3. **Continuing education topics.** (a) Continuing education program topics may
2.28 include; but are not limited to, ~~Oriental medical~~ acupuncture and herbal medicine theory
2.29 and techniques including ~~Oriental~~ massage; ~~Oriental~~ nutrition; ~~Oriental~~ herbology and diet

3.1 therapy; ~~Oriental~~ exercise; ~~western sciences such as~~ anatomy, physiology, biochemistry,
3.2 microbiology, psychology, ~~nutrition~~, and history of medicine; and medical terminology or
3.3 coding.

3.4 (b) Practice management courses are excluded under this section.

3.5 Sec. 8. Minnesota Statutes 2024, section 147B.05, subdivision 1, is amended to read:

3.6 Subdivision 1. **Creation.** The advisory council to the Board of Medical Practice for
3.7 acupuncture consists of seven members appointed by the board to three-year terms. Four
3.8 members must be ~~licensed~~ acupuncture practitioners licensed in Minnesota, one member
3.9 must be a licensed physician or osteopathic physician who also practices acupuncture, one
3.10 member must be a licensed chiropractor who is NCCAOM certified, and one member must
3.11 be a member of the public who has received acupuncture treatment as a primary therapy
3.12 from a NCCAOM certified acupuncturist.

3.13 Sec. 9. Minnesota Statutes 2024, section 147B.06, subdivision 1, is amended to read:

3.14 Subdivision 1. **Practice standards.** (a) Before treatment of a patient, an acupuncture
3.15 practitioner shall ask whether the patient has been examined by a licensed physician or other
3.16 professional, as defined by section 145.61, subdivision 2, with regard to the patient's illness
3.17 or injury, and shall review the diagnosis as reported.

3.18 (b) The practitioner shall obtain informed consent from the patient, after advising the
3.19 patient of the following information which must be supplied to the patient ~~in writing~~ before
3.20 or at the time of the initial visit:

3.21 (1) the practitioner's qualifications including:

3.22 (i) education;

3.23 (ii) license information; and

3.24 (iii) outline of the scope of practice of acupuncturists in Minnesota; and

3.25 (2) side effects which may include the following:

3.26 (i) some pain in the treatment area;

3.27 (ii) minor bruising;

3.28 (iii) infection;

3.29 (iv) needle sickness; or

3.30 (v) broken needles.

4.1 (c) The practitioner shall obtain acknowledgment by the patient in writing that the patient
4.2 has been advised to consult with the patient's primary care physician about the acupuncture
4.3 treatment if the patient circumstances warrant or the patient chooses to do so.

4.4 (d) The practitioner shall inquire whether the patient has a pacemaker or bleeding disorder.

4.5 Sec. 10. Minnesota Statutes 2024, section 147B.06, subdivision 4, is amended to read:

4.6 Subd. 4. **Scope of practice.** The scope of practice of acupuncture and herbal medicine
4.7 includes; but is not limited to; the following:

4.8 (1) ~~using Oriental medical theory to assess and diagnose a patient~~ evaluation,
4.9 management, and treatment services using methods and techniques described in section
4.10 147B.01, subdivisions 2a, 3, and 14;

4.11 (2) ~~using Oriental medical theory to develop a plan to treat a patient. The treatment~~
4.12 ~~techniques that may be chosen include:~~ diagnostic examination, testing, and procedures
4.13 including physical examination, basic diagnostic imaging, and basic laboratory or other
4.14 diagnostic tests for the purposes of guiding treatment within the scope of practice of
4.15 acupuncture, herbal medicine, and herbal therapies, as described in section 147B.01,
4.16 subdivisions 2a, 3, and 14. When results fall outside of the education, training, and expertise
4.17 of the licensed acupuncturists, or suggest serious or emergent conditions, the acupuncturist
4.18 must facilitate referrals to other appropriate health care providers;

4.19 (i) ~~insertion of sterile acupuncture needles through the skin;~~

4.20 (ii) ~~acupuncture stimulation including, but not limited to, electrical stimulation or the~~
4.21 ~~application of heat;~~

4.22 (iii) ~~cupping;~~

4.23 (iv) ~~dermal friction;~~

4.24 (v) ~~acupressure;~~

4.25 (vi) ~~herbal therapies;~~

4.26 (vii) ~~dietary counseling based on traditional Chinese medical principles;~~

4.27 (viii) ~~breathing techniques;~~

4.28 (ix) ~~exercise according to Oriental medical principles; or~~

4.29 (x) ~~Oriental massage.~~

5.1 (3) services included in the practice of acupuncture and herbal medicine, as defined in
5.2 section 147B.01, subdivision 3;

5.3 (4) stimulation of acupuncture points, areas of the body, or substances in the body using
5.4 acupuncture needles, heat, color, light, infrared and ultraviolet, low-level or cold lasers,
5.5 sound, vibration, pressure, magnetism, electricity, electromagnetic energy, suction, or other
5.6 devices in accordance with acupuncture and herbal medicine training;

5.7 (5) use of physical medicine modalities, procedures, and devices such as cupping, dermal
5.8 friction, acupressure, and massage, as described in section 147B.01, subdivisions 2a, 3, and
5.9 14;

5.10 (6) use of therapeutic exercises, breathing techniques, meditation, and biofeedback
5.11 devices and other devices that utilize heat, cold, color, light, infrared and ultraviolet, low-level
5.12 or cold lasers, sound, vibration, pressure, magnetism, electricity, and electromagnetic energy
5.13 for therapeutic purposes; and

5.14 (7) general dietary guidance provided for wellness and supportive purposes that is
5.15 consistent with the education and training of an acupuncture and herbal medicine practitioner.

5.16 Sec. 11. Minnesota Statutes 2024, section 147B.06, subdivision 5, is amended to read:

5.17 Subd. 5. **Patient records.** An acupuncturist shall maintain a patient record for each
5.18 patient treated, including:

5.19 (1) a copy of the informed consent;

5.20 (2) evidence of a patient interview concerning the patient's medical history and current
5.21 physical condition;

5.22 (3) evidence of a ~~traditional acupuncture~~ examination and diagnosis;

5.23 (4) record of the treatment including points treated; and

5.24 (5) evidence of evaluation and instructions given to the patient.

5.25 Sec. 12. **REPEALER.**

5.26 Minnesota Statutes 2024, section 147B.01, subdivision 18, is repealed.

ARTICLE 2**ATHLETIC TRAINER PRACTICE**

Section 1. Minnesota Statutes 2024, section 148.7802, subdivision 6, is amended to read:

Subd. 6. **Athletic trainer.** "Athletic trainer" means a person who engages in athletic training under section 148.7806 and is licensed under section 148.7808. Athletic trainers practice in health care settings and serve patient populations as identified by the Board of Certification for the Athletic Trainer or its recognized successor and by approved education programs.

Sec. 2. Minnesota Statutes 2024, section 148.7802, is amended by adding a subdivision to read:

Subd. 6a. **Athletic training.** "Athletic training" means the following actions performed for the purpose of treating emergent, acute, and chronic injuries and nonorthopedic conditions and performed within the professional training and experience provided by an approved education program and included in an athletic trainer credentialing examination:

(1) risk reduction, wellness, and health literacy;

(2) assessment, evaluation, and diagnosis;

(3) critical incident management;

(4) therapeutic intervention; and

(5) health care administration and professional responsibility.

Sec. 3. Minnesota Statutes 2024, section 148.7806, is amended to read:

148.7806 ATHLETIC TRAINING.

~~Athletic training by a licensed athletic trainer under section 148.7808 includes the activities described in paragraphs (a) to (e).~~

(a) An athletic trainer shall: perform athletic training under the supervision of, on the prescription of, and in collaboration with, a primary physician:

(1) who is licensed in Minnesota to practice medicine, as defined in section 147.081;

and

(2) whose license is in good standing.

~~(1) prevent, recognize, and evaluate athletic injuries;~~

7.1 ~~(2) give emergency care and first aid;~~

7.2 ~~(3) manage and treat athletic injuries; and~~

7.3 ~~(4) rehabilitate and physically recondition athletic injuries.~~

7.4 ~~The~~ (b) An athletic trainer may use modalities such as cold, heat, light, sound, electricity,
 7.5 exercise, and mechanical devices must use therapeutic interventions within the training and
 7.6 experience of the athletic trainer according to section 148.7802, subdivision 6a for the
 7.7 treatment and rehabilitation of athletic injuries to athletes in the primary employment site
 7.8 patients.

7.9 ~~(b)~~ (c) The primary physician shall establish evaluation and treatment protocols to be
 7.10 used by the athletic trainer. The primary physician shall record the protocols on a form
 7.11 prescribed by the board. The protocol form must be updated yearly at the athletic trainer's
 7.12 license renewal time and kept on file by the athletic trainer.

7.13 ~~(e)~~ (d) At the primary employment site, ~~except in a corporate setting,~~ an athletic trainer
 7.14 may evaluate and treat ~~an athlete for an athletic injury~~ a patient who was not previously
 7.15 diagnosed for not more than 30 days, or a period of time as designated by the primary
 7.16 physician on the protocol form, from the date of the initial evaluation and treatment.
 7.17 ~~Preventative care after resolution of the injury is~~ Prevention, wellness, education, exercise,
 7.18 and reconditioning are not considered treatment. This paragraph does not apply to a person
 7.19 who is referred for treatment by a person licensed in this state to practice medicine as defined
 7.20 in section 147.081₂; to practice chiropractic as defined in section 148.01₅; to practice physical
 7.21 therapy as defined in section 148.65, except as provided in paragraph (f); to practice podiatry
 7.22 as defined in section 153.01₅; or to practice dentistry as defined in section 150A.05₂ and
 7.23 whose license is in good standing.

7.24 ~~(d)~~ (e) An athletic trainer may:

7.25 (1) may organize and administer an athletic training program, including, but not limited
 7.26 to, educating and counseling ~~athletes~~ patients;

7.27 (2) must monitor the signs, symptoms, general behavior, and general physical response
 7.28 of ~~an athlete~~ a patient to treatment and rehabilitation, including, but not limited to, whether
 7.29 the signs, symptoms, reactions, behavior, or general response show abnormal characteristics
 7.30 that require a change in the plan of care or a referral; and

7.31 (3) must make suggestions to the primary physician or other treating provider for a
 7.32 modification in the treatment and rehabilitation of ~~an injured athlete~~ a patient based on the
 7.33 indicators in clause (2).

8.1 ~~(e)~~ (f) In a clinical, corporate, and physical therapy setting, when the service provided
8.2 is, or is represented as being, physical therapy, an athletic trainer may work only under the
8.3 direct supervision of a physical therapist as defined in section 148.65.

8.4 Sec. 4. Minnesota Statutes 2024, section 148.7807, is amended to read:

8.5 **148.7807 LIMITATIONS ON PRACTICE.**

8.6 (a) An athletic trainer must not practice or claim to practice medicine as defined in
8.7 section 147.081; acupuncture as defined in section 147B.01; chiropractic as defined in
8.8 section 148.01; physical therapy as defined in section 148.65, except as provided under
8.9 section 148.7806, paragraph (f); podiatry as defined in section 153.01; occupational therapy
8.10 as defined in section 148.6404; or any other licensed or registered health care profession,
8.11 unless the athletic trainer also holds the appropriate license or registration to practice that
8.12 profession.

8.13 (b) If an athletic trainer determines that a patient's medical condition is beyond outside
8.14 the scope of practice of that athletic trainer, the athletic trainer must refer the patient to a
8.15 person licensed in this state to practice medicine as defined in section 147.081; to practice
8.16 chiropractic as defined in section 148.01; to practice physical therapy as defined in section
8.17 148.65, except as provided under section 148.7806, paragraph (f); to practice podiatry as
8.18 defined in section 153.01; or to practice dentistry as defined in section 150A.05, and whose
8.19 license is in good standing and in accordance with established evaluation and treatment
8.20 protocols. An athletic trainer shall modify or terminate treatment of a patient that is not
8.21 beneficial to the patient, or that is not tolerated by the patient.

8.22 Sec. 5. Minnesota Statutes 2024, section 148.7814, is amended to read:

8.23 **148.7814 APPLICABILITY.**

8.24 Sections 148.7801 to 148.7815 do not apply to ~~persons who are certified as an~~ athletic
8.25 ~~trainers~~ trainer who is in Minnesota temporarily with an individual or group that is
8.26 participating in a specific athletic event or series of athletic events if the athletic trainer is
8.27 licensed, certified, or registered by another state or county, or is certified as an athletic
8.28 trainer by the Board of Certification or the board's recognized successor and come into
8.29 ~~Minnesota for a specific athletic event or series of athletic events with an individual or~~
8.30 ~~group.~~

8.31 Sec. 6. **REPEALER.**

8.32 Minnesota Statutes 2024, section 148.7802, subdivisions 4 and 5, are repealed.

ARTICLE 3**MASSAGE THERAPY AND ASIAN BODYWORK THERAPY REGISTRATION**

Section 1. Minnesota Statutes 2024, section 144.0572, subdivision 1, is amended to read:

Subdivision 1. **Criminal history background check requirements.** (a) ~~Beginning January 1, 2018,~~ An applicant for initial licensure, temporary licensure, or relicensure after a lapse in licensure as an audiologist ~~or~~ a speech-language pathologist, or a speech-language pathology assistant; an applicant for initial massage therapist or Asian bodywork therapist registration; or an applicant for initial certification as a hearing instrument dispenser, must submit to a criminal history records check of state data completed by the Bureau of Criminal Apprehension (BCA) and a national criminal history records check, including a search of the records of the Federal Bureau of Investigation (FBI).

(b) Beginning January 1, 2020, an applicant for a renewal license or certificate as an audiologist, speech-language pathologist, or hearing instrument dispenser who was licensed or obtained a certificate before January 1, 2018, must submit to a criminal history records check of state data completed by the BCA and a national criminal history records check, including a search of the records of the FBI.

(c) An applicant must submit to a background study under chapter 245C.

(d) The criminal history records check must be structured so that any new crimes that an applicant ~~or~~ licensee, registrant, or certificate holder commits after the initial background check are flagged in the BCA's or FBI's database and reported back to the commissioner of human services.

Sec. 2. Minnesota Statutes 2024, section 146A.06, subdivision 3, is amended to read:

Subd. 3. **Exchanging information.** (a) The office shall establish internal operating procedures for:

(1) exchanging information with state boards; agencies, including the Office of Ombudsman for Mental Health and Developmental Disabilities; health-related and law enforcement facilities; departments responsible for licensing health-related occupations, facilities, and programs; and law enforcement personnel in this and other states; and

(2) coordinating investigations involving matters within the jurisdiction of more than one regulatory agency.

(b) The procedures for exchanging information must provide for the forwarding to the entities described in paragraph (a), clause (1), of information and evidence, including the

10.1 results of investigations, that are relevant to matters within the regulatory jurisdiction of
10.2 the organizations in paragraph (a). The data have the same classification in the hands of the
10.3 agency receiving the data as they have in the hands of the agency providing the data.

10.4 (c) The office shall establish procedures for exchanging information with other states
10.5 regarding disciplinary action against unlicensed complementary and alternative health care
10.6 practitioners.

10.7 (d) The office shall forward to another governmental agency any complaints received
10.8 by the office that do not relate to the office's jurisdiction but that relate to matters within
10.9 the jurisdiction of the other governmental agency. The agency to which a complaint is
10.10 forwarded shall advise the office of the disposition of the complaint. A complaint or other
10.11 information received by another governmental agency relating to a statute or rule that the
10.12 office is empowered to enforce must be forwarded to the office to be processed in accordance
10.13 with this section.

10.14 (e) The office shall furnish to a person who made a complaint a description of the actions
10.15 of the office relating to the complaint.

10.16 (f) Effective July 1, 2028, upon request by the commissioner, the office must share all
10.17 complaint, investigatory, and disciplinary data regarding a named individual who has
10.18 practiced or is practicing massage therapy or Asian bodywork therapy as an unlicensed
10.19 complementary and alternative health care practitioner.

10.20 Sec. 3. Minnesota Statutes 2024, section 146A.09, is amended by adding a subdivision to
10.21 read:

10.22 Subd. 8. **Registered massage therapists and Asian bodywork therapists.** Effective
10.23 July 1, 2028, a person whose registration as a massage therapist or Asian bodywork therapist
10.24 under sections 148.636 to 148.6377 has been suspended or revoked by the commissioner
10.25 of health must not practice as an unlicensed complementary and alternative health care
10.26 practitioner under this chapter during a period of suspension or revocation.

10.27 Sec. 4. [148.636] CITATION.

10.28 Sections 148.636 to 148.6377 may be cited as the "Minnesota Massage Therapy and
10.29 Asian Bodywork Therapy Act."

11.1 Sec. 5. [148.6361] DEFINITIONS.

11.2 Subdivision 1. **Applicability.** For purposes of sections 148.636 to 148.6377, the terms
11.3 defined in this section have the meanings given unless the context clearly indicates otherwise.

11.4 Subd. 2. **Advisory council.** "Advisory council" means the Massage Therapy Advisory
11.5 Council established under section 148.6376.

11.6 Subd. 3. **Applicant.** "Applicant" means an individual who has submitted an application
11.7 to the commissioner according to sections 148.636 to 148.6377.

11.8 Subd. 4. **Asian bodywork therapy.** (a) "Asian bodywork therapy" means therapy based
11.9 upon Chinese medical principles with the intent of promoting, maintaining, and restoring
11.10 health and well-being by affecting the body.

11.11 (b) Asian bodywork therapy may use any of the following techniques:

11.12 (1) pressing;

11.13 (2) soothing;

11.14 (3) kneading;

11.15 (4) vibration;

11.16 (5) friction;

11.17 (6) passive stretching within the client's physiological range of motion;

11.18 (7) active assistive and resistive movement;

11.19 (8) stretching; and

11.20 (9) tapping, movement, exercising, or manipulation of the soft tissues.

11.21 (c) Methods of assessment and evaluation for Asian bodywork therapy must include a
11.22 health history and intake interview; observation; listening; questioning; palpation; and with
11.23 the client's permission or if the client is a minor, the permission of the client's legal guardian
11.24 or parent, consultation with the client's other health care providers.

11.25 Subd. 5. **Client.** "Client" means a recipient of massage therapy services or Asian
11.26 bodywork therapy services.

11.27 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of health.

11.28 Subd. 7. **Contact hours.** "Contact hours" means the number of hours during which a
11.29 student is engaged in learning activities provided by a training program approved by the

12.1 advisory council. Contact hours include synchronous or asynchronous distance learning
12.2 and in-person learning.

12.3 Subd. 8. **Credentialing examination.** "Credentialing examination" means an examination
12.4 approved by the commissioner that meets recognized psychometric principles and standards
12.5 and is administered by a national testing organization.

12.6 Subd. 9. **Massage therapy.** (a) "Massage therapy" means the manual manipulation of
12.7 the soft tissues of the body to promote, maintain, and restore health and well-being.

12.8 (b) Massage therapy may use any of the following techniques:

12.9 (1) stroking;

12.10 (2) gliding;

12.11 (3) lifting;

12.12 (4) kneading;

12.13 (5) jostling;

12.14 (6) vibration;

12.15 (7) percussion;

12.16 (8) compression;

12.17 (9) friction;

12.18 (10) holding;

12.19 (11) passive stretching within the client's physiological range of motion;

12.20 (12) movement or manipulation of the soft tissues;

12.21 (13) active assistive and resistive movement; and

12.22 (14) stretching.

12.23 (c) Methods of assessment for massage therapy must include a health history and intake
12.24 interview; observation of posture and movement; palpation; range of motion assessment;
12.25 and with the client's permission or if the client is a minor, the permission of the client's legal
12.26 guardian or parent, consultation with the client's other health care providers.

12.27 Subd. 10. **Municipality.** "Municipality" means a county, town, or home rule charter or
12.28 statutory city.

13.1 Subd. 11. **Registered Asian bodywork therapist.** "Registered Asian bodywork therapist"
13.2 means an individual who meets the qualifications in sections 148.636 to 148.6377 to use
13.3 the protected titles for Asian bodywork therapists under section 148.6364 and is registered
13.4 with the commissioner.

13.5 Subd. 12. **Registered massage therapist.** "Registered massage therapist" means an
13.6 individual who meets the qualifications in sections 148.636 to 148.6377 to use the protected
13.7 titles for massage therapists under section 148.6364 and is registered with the commissioner.

13.8 Subd. 13. **Registrant.** "Registrant" means an individual registered with the commissioner
13.9 under sections 148.636 to 148.6377.

13.10 **Sec. 6. [148.6362] DUTIES OF THE COMMISSIONER.**

13.11 The commissioner shall:

13.12 (1) issue registrations to qualified applicants according to sections 148.636 to 148.6377;

13.13 (2) adopt rules, including standards of practice and a professional code of ethics, necessary
13.14 to implement sections 148.636 to 148.6377;

13.15 (3) assign duties to the advisory council that are necessary to implement sections 148.636
13.16 to 148.6377;

13.17 (4) approve a credentialing examination;

13.18 (5) enforce sections 148.636 to 148.6377 and investigate violations of sections 148.636
13.19 to 148.6377 by a registrant or applicant;

13.20 (6) impose disciplinary action as described in section 148.6370;

13.21 (7) maintain a record of names and addresses of registrants; and

13.22 (8) distribute information regarding massage therapy and Asian bodywork therapy
13.23 standards, including applications and forms necessary to carry out sections 148.636 to
13.24 148.6377.

13.25 **Sec. 7. [148.6363] LIMITATIONS ON PRACTICE.**

13.26 Subdivision 1. **Limitations.** The practice of massage therapy and Asian bodywork
13.27 therapy does not include:

13.28 (1) performing examinations for the purpose of diagnosis;

13.29 (2) providing treatments that are outside the scope of massage therapy or Asian bodywork
13.30 therapy practice;

14.1 (3) attempts to adjust, manipulate, or mobilize any articulation of the body or spine by
14.2 the use of high-velocity, low-amplitude thrusting force;

14.3 (4) attempts to stimulate various points of the body by needle insertion or interruption
14.4 of the cutaneous integrity by needle insertion to secure therapeutic relief of symptoms;

14.5 (5) prescriptive exercise;

14.6 (6) manual or mechanical traction when applied to the spine or extremities for the
14.7 purposes of joint mobilization or manipulation;

14.8 (7) injection therapy;

14.9 (8) laser therapy;

14.10 (9) microwave diathermy;

14.11 (10) electrical stimulation;

14.12 (11) ultrasound;

14.13 (12) iontophoresis; or

14.14 (13) phonophoresis.

14.15 Subd. 2. **Referrals to other health care providers.** If a registered massage therapist or
14.16 Asian bodywork therapist finds a client's medical condition is beyond the scope of practice
14.17 established by sections 148.636 to 148.6377 for a registered massage therapist or Asian
14.18 bodywork therapist, the therapist must refer the client to a licensed health care provider.
14.19 Nothing in this subdivision prohibits the registered massage therapist or Asian bodywork
14.20 therapist from continuing to comanage a client's care.

14.21 Sec. 8. **[148.6364] PROTECTED TITLES AND RESTRICTIONS ON USE.**

14.22 Effective January 1, 2028, no person shall use any of the terms or titles "registered
14.23 massage therapist," "RMT," "registered Asian bodywork therapist," "RABT," or any other
14.24 term or title that may lead the public to believe the person is a registered massage therapist
14.25 or registered Asian bodywork therapist, unless the person is registered under sections 148.636
14.26 to 148.6377.

14.27 Sec. 9. **[148.6365] EXEMPTIONS; OTHER HEALTH CARE PROVIDERS.**

14.28 Subdivision 1. **Other professions.** Nothing in sections 148.636 to 148.6377 shall be
14.29 construed to prohibit, restrict, or regulate the practice of any profession or occupation
14.30 licensed or registered in the state by an individual licensed or registered to practice the

15.1 profession or occupation or to perform any act that falls within the scope of practice of the
15.2 profession or occupation.

15.3 Subd. 2. **Complementary and alternative health care practitioner.** Nothing in sections
15.4 148.636 to 148.6377 shall be construed to prohibit, restrict, or regulate the practice of any
15.5 individual who is engaged in providing complementary and alternative health care practices
15.6 as defined in section 146A.01, subdivision 4, provided that the practitioner does not use a
15.7 protected title under section 148.6364 or advertise or imply that the practitioner is registered
15.8 under sections 148.636 to 148.6377.

15.9 **Sec. 10. [148.6366] REQUIREMENTS FOR REGISTRATION.**

15.10 Subdivision 1. **General registration requirements.** (a) To be eligible for registration
15.11 as a massage therapist or Asian bodywork therapist according to sections 148.636 to
15.12 148.6377, an applicant must submit to the commissioner:

15.13 (1) a completed application on a form provided by the commissioner that includes:

15.14 (i) the applicant's name, Social Security number, home address and telephone number,
15.15 and business address and telephone number;

15.16 (ii) a list of credentials held by the applicant in this state or in any other jurisdiction;

15.17 (iii) a description of any jurisdiction's refusal to license or credential the applicant;

15.18 (iv) a description of all professional disciplinary actions initiated against the applicant
15.19 in this state or any other jurisdiction;

15.20 (v) any misdemeanor, gross misdemeanor, or felony convictions; and

15.21 (vi) any other additional information requested by the commissioner;

15.22 (2) proof, as required by the commissioner, that the applicant has satisfactorily completed
15.23 a postsecondary massage therapy program or Asian bodywork therapy program through a
15.24 school or program that:

15.25 (i) is licensed by or registered with the Office of Higher Education or has conditional
15.26 approval for a registered school and provisional license from the Office of Higher Education;
15.27 and

15.28 (ii) meets the education and training requirements described under subdivision 2 or 3;

15.29 (3) proof of successful passage of a credentialing examination approved by the
15.30 commissioner;

16.1 (4) proof, as required by the commissioner, of current professional liability insurance
16.2 coverage or school liability insurance coverage, as applicable, with at least \$2,000,000 of
16.3 coverage per occurrence and \$6,000,000 annual aggregate; and

16.4 (5) any applicable fees specified in section 148.6377.

16.5 (b) The applicant must submit to a criminal background check conducted in accordance
16.6 with section 144.0572 and pay any fees associated with conducting the criminal background
16.7 check.

16.8 (c) The applicant must sign the application certifying that the information in the
16.9 application is true and correct to the best of the applicant's knowledge and authorizing the
16.10 commissioner to obtain access to the applicant's records in this state or any other jurisdiction
16.11 in which the applicant has engaged in the practice of massage therapy or Asian bodywork
16.12 therapy.

16.13 **Subd. 2. Education and training requirements for massage therapy registration. (a)**
16.14 **An applicant for registration as a massage therapist under subdivision 1 whose application**
16.15 **is received by the commissioner before July 1, 2031, must submit to the commissioner proof**
16.16 **of satisfactorily completing a postsecondary program that meets the requirements in**
16.17 **subdivision 1, paragraph (a), clause (2), item (i), and includes education and training in:**

16.18 (1) anatomy;

16.19 (2) physiology;

16.20 (3) pathology;

16.21 (4) massage therapy;

16.22 (5) massage therapy history, theory, and research;

16.23 (6) professional ethics;

16.24 (7) therapeutic interpersonal communications and standards of practice;

16.25 (8) business and legal practices related to massage therapy; and

16.26 (9) supervised practice demonstrating safe use of equipment and supplies.

16.27 (b) An applicant for registration as a massage therapist under subdivision 1 whose
16.28 application is received by the commissioner on or after July 1, 2031, must submit to the
16.29 commissioner proof of satisfactorily completing a postsecondary massage therapy program
16.30 that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

17.1 (1) has programmatic accreditation for massage therapy training programs from an
17.2 agency recognized by the United States Department of Education; or

17.3 (2) includes at least 625 contact hours of education and training composed of 500 contact
17.4 hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student
17.5 clinical practice.

17.6 (c) A program may require more than 625 total contact hours of education and training,
17.7 and may require more than 125 hours of supervised clinical practice, if at least 500 contact
17.8 hours are devoted to instruction in the subjects listed in paragraph (a).

17.9 (d) A student shall not begin a supervised clinical practice of massage therapy without
17.10 student or professional liability insurance coverage of up to \$2,000,000 per occurrence and
17.11 \$6,000,000 annual aggregate. The school or program may offer to the student, the student
17.12 or professional liability insurance coverage required under this paragraph.

17.13 **Subd. 3. Education and training requirements for Asian bodywork therapy**
17.14 **registration.** (a) An applicant for registration as an Asian bodywork therapist under
17.15 subdivision 1 whose application is received by the commissioner before July 1, 2031, must
17.16 submit to the commissioner proof of satisfactorily completing a postsecondary program
17.17 that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and includes
17.18 education and training in:

17.19 (1) anatomy;

17.20 (2) physiology;

17.21 (3) pathology;

17.22 (4) Asian bodywork therapy;

17.23 (5) traditional Chinese medicine theory;

17.24 (6) Asian bodywork history, theory, and research;

17.25 (7) professional ethics;

17.26 (8) therapeutic interpersonal communications and standards of practice;

17.27 (9) business and legal practices related to Asian bodywork therapy; and

17.28 (10) supervised practice demonstrating safe use of equipment and supplies.

17.29 (b) An applicant for registration as an Asian bodywork therapist under subdivision 1
17.30 whose application is received by the commissioner on or after July 1, 2031, must submit to

18.1 the commissioner proof of satisfactorily completing a postsecondary program that meets
18.2 the requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

18.3 (1) has programmatic accreditation for Asian bodywork therapy training programs from
18.4 an agency recognized by the United States Department of Education; or

18.5 (2) includes at least 625 contact hours of education and training composed of 500 contact
18.6 hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student
18.7 clinical practice.

18.8 (c) An Asian bodywork therapy school or program may require more than 625 total
18.9 contact hours of education and training, and may require more than 125 hours of supervised
18.10 clinical practice, if at least 500 contact hours are devoted to instruction in the subjects listed
18.11 in paragraph (a).

18.12 (d) A student shall not begin a supervised clinical practice of Asian bodywork therapy
18.13 without providing proof to the Asian bodywork therapy school or program of professional
18.14 liability insurance coverage of up to \$2,000,000 per occurrence and \$6,000,000 annual
18.15 aggregate. The school or program may offer to the student the professional liability insurance
18.16 coverage required under this paragraph.

18.17 Subd. 4. **Registration by endorsement.** (a) To be eligible for registration by
18.18 endorsement, an applicant must:

18.19 (1) meet the requirements for registration in subdivision 1, with the exception of
18.20 subdivision 1, paragraph (a), clauses (2) and (3);

18.21 (2) provide proof as required by the commissioner that the massage therapy training
18.22 program or Asian bodywork therapy training program at the time of the applicant's enrollment
18.23 met the postsecondary education requirements in the jurisdiction in which the program was
18.24 provided; and

18.25 (3) provide proof as required by the commissioner, with advice from the advisory council,
18.26 of a current and unrestricted equivalent credential in another jurisdiction that has qualification
18.27 requirements at least equivalent to the requirements of sections 148.636 to 148.6377.

18.28 (b) Registrations by endorsement expire on the same schedule and must be renewed by
18.29 the procedures described under section 148.6367, subdivision 2.

18.30 Subd. 5. **Registration by prior experience.** (a) To be eligible for registration by prior
18.31 experience, an applicant must:

19.1 (1) meet the requirements for registration in subdivision 1, with the exception of
19.2 subdivision 1, paragraph (a), clauses (2) and (3); and

19.3 (2) provide proof of experience in the practice of massage therapy or Asian bodywork
19.4 therapy for at least two of the previous five years immediately preceding the registration
19.5 application date.

19.6 (b) Registrations issued under this subdivision expire on the same schedule and must
19.7 be renewed by the procedures described under section 148.6367, subdivision 2, unless the
19.8 registration is canceled due to nonrenewal under section 148.6367, subdivision 8, in which
19.9 case the individual must apply for a new registration under the initial registration
19.10 requirements in subdivision 1.

19.11 (c) The application for registration by prior experience under this subdivision must be
19.12 received by the commissioner before July 1, 2031.

19.13 Subd. 6. **Temporary registration.** (a) The commissioner may issue a temporary
19.14 registration as a massage therapist or Asian bodywork therapist to an applicant eligible for
19.15 registration under this section if the application for registration is complete, all applicable
19.16 requirements have been met, and applicable fees have been paid. The temporary registration
19.17 remains valid until the commissioner takes action on the applicant's application, or 90 days
19.18 from the temporary registration's issuance, whichever is sooner.

19.19 (b) A temporary registration holder is considered a registrant for purposes of sections
19.20 148.6369 to 148.6374.

19.21 Sec. 11. **[148.6367] REGISTRATION RENEWAL.**

19.22 Subdivision 1. **Expiration of registration.** Registrations issued according to sections
19.23 148.636 to 148.6377 expire two years from the date of issuance.

19.24 Subd. 2. **Renewal.** To be eligible for registration renewal, an applicant must every two
19.25 years, or as determined by the commissioner, submit to the commissioner:

19.26 (1) a completed renewal application on a form provided by the commissioner;

19.27 (2) any applicable fees specified in section 148.6377;

19.28 (3) proof of current professional liability coverage with at least \$2,000,000 of coverage
19.29 per occurrence and \$6,000,000 annual aggregate; and

19.30 (4) any additional information requested by the commissioner to clarify information
19.31 presented in the renewal application. The applicant must submit the information within 30
19.32 days after the commissioner's request, or the renewal application is canceled.

20.1 Subd. 3. **Continuing education.** (a) A registered massage therapist or Asian bodywork
20.2 therapist must obtain continuing education in the two-year registration period.

20.3 (b) The commissioner must establish the number of continuing education hours a
20.4 registered massage therapist or Asian bodywork therapist must complete each registration
20.5 period and the activities that qualify as continuing education.

20.6 (c) A registered massage therapist or Asian bodywork therapist:

20.7 (1) may complete continuing education in person or online; and

20.8 (2) must complete the continuing education hours required in a registration period
20.9 between the effective date and expiration date of the registration.

20.10 Subd. 4. **Change of address.** A registrant or applicant who changes addresses must
20.11 inform the commissioner in writing within 30 days of the change of address. Notices or
20.12 other correspondence mailed to or served on a registrant or applicant at the registrant's or
20.13 applicant's current address on file are considered received by the registrant or applicant.

20.14 Subd. 5. **Registration renewal notice.** (a) At least 60 days before the registration's
20.15 expiration date, the commissioner shall send out a renewal notice to the registrant. The
20.16 notice must include:

20.17 (1) a renewal application;

20.18 (2) a notice of fees required for renewal; and

20.19 (3) information stating that the registration will expire without further action by the
20.20 commissioner if a renewal application is not received before the deadline for renewal.

20.21 (b) The registrant's failure to receive the renewal notice does not relieve the registrant
20.22 of the obligation to meet the deadline and other requirements for registration renewal. Failure
20.23 to receive the notice is not grounds for challenging expiration of the registration.

20.24 Subd. 6. **Renewal deadline.** The renewal application and fee must be received by the
20.25 commissioner or must be postmarked before the registration's expiration date. If the postmark
20.26 is illegible, the application is timely if received by the third working day after the deadline.

20.27 Subd. 7. **Inactive status and return to active status.** (a) A registration may be placed
20.28 in inactive status upon application to the commissioner by the registrant and upon payment
20.29 of an inactive status fee as specified in section 148.6377. Failure to pay the annual inactive
20.30 status fee shall result in a lapse of registration.

20.31 (b) A registrant seeking registration restoration to active status from inactive status must:

21.1 (1) apply to the commissioner for registration renewal according to subdivision 2;

21.2 (2) submit the applicable reactivation fee as specified in section 148.6377; and

21.3 (3) if the registration has been in inactive status for more than five years, submit evidence
21.4 of having received a passing score on a credentialing examination.

21.5 Subd. 8. **Registration following lapse for two years or less.** To regain active registration
21.6 status for a registration that has lapsed for two years or less, the applicant must:

21.7 (1) apply to the commissioner for registration renewal according to subdivision 2; and

21.8 (2) submit all applicable renewal fees for the period not registered, including the fee for
21.9 late renewal.

21.10 Subd. 9. **Cancellation due to nonrenewal.** The commissioner shall not renew, reissue,
21.11 reinstate, or restore a registration that has lapsed and has not been renewed within two years.

21.12 An individual whose registration is canceled for nonrenewal must obtain a new registration
21.13 by applying for registration and fulfilling all requirements under section 148.6366,
21.14 subdivision 1, for initial registration as a massage therapist or Asian bodywork therapist.

21.15 Sec. 12. **[148.6368] COMMISSIONER ACTION ON APPLICATIONS.**

21.16 Subdivision 1. **General.** (a) The commissioner must act on each application for
21.17 registration or renewal according to this section.

21.18 (b) The commissioner shall determine if the applicant meets the requirements for
21.19 registration or renewal under section 148.6366 or 148.6367. The commissioner may
21.20 investigate information provided by an applicant to determine whether the information is
21.21 accurate and complete and may request additional information or documentation.

21.22 (c) The commissioner shall notify each applicant in writing of action taken on the
21.23 application, the grounds for denying registration if registration is denied, and the applicant's
21.24 right to review under paragraph (d).

21.25 (d) An applicant denied registration may make a written request to the commissioner
21.26 within 30 days of the commissioner's notice to appear before the advisory council and for
21.27 the advisory council to review the commissioner's decision to deny registration. After
21.28 reviewing the denial, the advisory council shall make a recommendation to the commissioner
21.29 as to whether the denial must be affirmed. Each applicant is allowed only one request for
21.30 review per registration period.

21.31 Subd. 2. **Registration prohibited.** (a) Except as provided in paragraph (b), the
21.32 commissioner shall deny an application for registration if an applicant:

22.1 (1) has been convicted in this state of any of the following crimes or of equivalent crimes
22.2 in another state:

22.3 (i) labor or sex trafficking under section 609.281, 609.282, 609.283, or 609.322;

22.4 (ii) criminal sexual conduct under sections 609.342 to 609.3451 or 609.3453; or

22.5 (iii) a violent crime as defined under section 611A.08, subdivision 6;

22.6 (2) is a registered sex offender under section 243.166;

22.7 (3) has been subject to disciplinary action under section 146A.09, if the commissioner
22.8 determines that such denial is necessary to protect the public; or

22.9 (4) is charged with or under investigation for a complaint in this state or any other
22.10 jurisdiction that would constitute a violation of statutes or rules established for massage
22.11 therapy or Asian bodywork therapy registration in this state and the charge or complaint
22.12 has not been resolved in favor of the applicant.

22.13 (b) The commissioner may establish criteria whereby an individual convicted of an
22.14 offense listed in paragraph (a) may become registered if the criteria:

22.15 (1) utilize a rebuttable presumption that the applicant is not suitable for registration;

22.16 (2) provide a standard for overcoming the presumption; and

22.17 (3) require that a minimum of one year has elapsed since the applicant was released
22.18 from incarceration or supervisory jurisdiction related to the offense.

22.19 (c) The commissioner shall not consider an application under paragraph (b) if the
22.20 commissioner determines that the victim involved in the offense was a client of the applicant
22.21 at the time of the offense.

22.22 **Sec. 13. [148.6369] GROUNDS FOR DISCIPLINARY ACTION.**

22.23 Subdivision 1. **Grounds listed.** (a) The commissioner may deny, revoke, suspend, limit,
22.24 or condition the registration of a registrant or may otherwise discipline a registrant. The
22.25 fact that massage therapy or Asian bodywork therapy may be considered a less customary
22.26 approach to health care must not by itself constitute the basis for disciplinary action.

22.27 (b) The following are grounds for disciplinary action regardless of whether injury to a
22.28 client is established:

22.29 (1) failing to demonstrate the qualifications or to satisfy the requirements for registration
22.30 under sections 148.636 to 148.6377 or rules of the commissioner. In the case of an applicant,

23.1 the burden of proof is on the applicant to demonstrate the qualifications or satisfy the
23.2 requirements;

23.3 (2) advertising in a false, fraudulent, deceptive, or misleading manner, including but not
23.4 limited to:

23.5 (i) advertising or holding oneself out as a "registered massage therapist," "RMT,"
23.6 "registered Asian bodywork therapist," "RABT," or any abbreviation or derivation thereof
23.7 to indicate such a title, when such registration is not valid or current for any reason;

23.8 (ii) advertising or holding oneself out as a "registered massage therapist," "registered
23.9 Asian bodywork therapist," or any abbreviation or derivation thereof to indicate such a title,
23.10 except if the individual holds a registration in another state or jurisdiction and does not
23.11 provide services in Minnesota;

23.12 (iii) advertising a service, the provision of which would constitute a violation of sections
23.13 148.636 to 148.6377 or rules established by the commissioner; and

23.14 (iv) using fraud, deceit, or misrepresentation when communicating with the general
23.15 public, health care providers, or other business professionals;

23.16 (3) falsifying information in a massage therapy or Asian bodywork therapy registration
23.17 or renewal application; attempting to obtain registration, renewal, or reinstatement by fraud,
23.18 deception, or misrepresentation; or aiding and abetting any of these acts;

23.19 (4) engaging in conduct with a client that is sexual or may reasonably be interpreted by
23.20 the client as sexual, or engaging in any verbal behavior that is seductive or sexually
23.21 demeaning to a client, or engaging in sexual exploitation of a client, without regard to who
23.22 initiates such behaviors;

23.23 (5) committing an act of gross malpractice, negligence, or incompetency, or failing to
23.24 practice massage therapy or Asian bodywork therapy with the level of care, skill, and
23.25 treatment that is recognized by a registrant as being acceptable under similar conditions and
23.26 circumstances;

23.27 (6) having an actual or potential inability to practice massage therapy or Asian bodywork
23.28 therapy with reasonable skill and safety to clients by reason of illness, as a result of any
23.29 mental or physical condition, or use of alcohol, drugs, chemicals, or any other material.
23.30 Being adjudicated as mentally incompetent, mentally ill, a chemically dependent person,
23.31 or a person dangerous to the public by a court of competent jurisdiction, inside or outside
23.32 of this state, may be considered evidence of an inability to practice massage therapy or
23.33 Asian bodywork therapy;

24.1 (7) being the subject of disciplinary action as a massage therapist or Asian bodywork
24.2 therapist in another state or jurisdiction if the commissioner or advisory council determines
24.3 that the cause of the disciplinary action would be a violation under this state's statutes or
24.4 rules of the commissioner had the violation occurred in this state;

24.5 (8) failing to notify the commissioner of revocation or suspension of a credential, or any
24.6 other disciplinary action taken by this or any other state, territory, or country, including any
24.7 restrictions on the right to practice; or the surrender or voluntary termination of a credential
24.8 during a commissioner investigation of a complaint, as part of a disciplinary order, or while
24.9 under a disciplinary order;

24.10 (9) conviction of a crime, including a finding or verdict of guilt, an admission of guilt,
24.11 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,
24.12 reasonably related to engaging in massage therapy practices or Asian bodywork therapy
24.13 practices. Conviction, as used in this clause, includes a conviction for an offense that, if
24.14 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor
24.15 regardless of its designation elsewhere, or a criminal proceeding where a finding or verdict
24.16 of guilty is made or returned but the adjudication of guilt is either withheld or not entered;

24.17 (10) if a registrant is on probation, failing to abide by terms of probation;

24.18 (11) practicing or offering to practice beyond the scope of the practice of massage therapy
24.19 or Asian bodywork therapy;

24.20 (12) managing client records and information improperly, including but not limited to
24.21 failing to maintain adequate client records, comply with a client's request made according
24.22 to sections 144.291 to 144.298, or furnish a client record or report required by law;

24.23 (13) revealing a privileged communication from or relating to a client except when
24.24 otherwise required or permitted by law;

24.25 (14) providing massage therapy services or Asian bodywork therapy services that are
24.26 linked to the financial gain of a referral source;

24.27 (15) obtaining money, property, or services from a client, other than reasonable fees for
24.28 services provided to the client, through the use of undue influence, harassment, duress,
24.29 deception, or fraud;

24.30 (16) engaging in abusive or fraudulent billing practices, including violations of federal
24.31 Medicare and Medicaid laws or state medical assistance laws;

24.32 (17) failing to consult with a client's health care provider who prescribed a course of
24.33 massage therapy treatment or Asian bodywork therapy treatment if the treatment needs to

25.1 be altered from the original written order to conform with standards in the massage therapy
25.2 or Asian bodywork therapy field or the registrant's level of training or experience;

25.3 (18) failing to cooperate with an investigation of the commissioner or the commissioner's
25.4 representatives, including failing to: respond fully and promptly to any question raised by
25.5 or on behalf of the commissioner relating to the subject of the investigation; execute all
25.6 releases requested by the commissioner; provide copies of client records as reasonably
25.7 requested by the commissioner to assist in the commissioner's investigation; and appear at
25.8 conferences or hearings scheduled by the commissioner or the commissioner's staff;

25.9 (19) interfering with an investigation or disciplinary proceeding, including by willful
25.10 misrepresentation of facts or by the use of threats or harassment to prevent a person from
25.11 providing evidence in a disciplinary proceeding or any legal action;

25.12 (20) violating a statute, rule, order, or agreement for corrective action that the
25.13 commissioner issued or is otherwise authorized or empowered to enforce;

25.14 (21) aiding or abetting a person in violating sections 148.636 to 148.6377;

25.15 (22) failing to report to the commissioner other massage therapists and Asian bodywork
25.16 therapists who commit violations of sections 148.636 to 148.6377; and

25.17 (23) failing to notify the commissioner in writing of the entry of a final judgment by a
25.18 court of competent jurisdiction against the registrant for malpractice of massage therapy or
25.19 Asian bodywork therapy, or any settlement by the registrant in response to charges or
25.20 allegations of malpractice of massage therapy or Asian bodywork therapy. The notice must
25.21 be provided to the commissioner within 60 days after the entry of a judgment or date of
25.22 settlement, and must contain the name of the court, case number, and the names of all parties
25.23 to the action.

25.24 Subd. 2. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, a copy
25.25 of the judgment or proceeding under the seal of the court administrator or of the
25.26 administrative agency must be admissible into evidence without further authentication and
25.27 must constitute prima facie evidence of the violation.

25.28 Subd. 3. **Examination; access to medical data.** (a) The commissioner may take the
25.29 following actions if the commissioner has probable cause to believe that grounds for
25.30 disciplinary action exist under subdivision 1, paragraph (b), clause (6).

25.31 (b) The commissioner may direct the applicant or registrant to submit to a mental or
25.32 physical examination or substance use disorder evaluation. For the purpose of this
25.33 subdivision, when an applicant or registrant is directed in writing by the commissioner to

26.1 submit to a mental or physical examination or substance use disorder evaluation, that
26.2 applicant or registrant is considered to have consented and to have waived all objections to
26.3 admissibility on the grounds of privilege. Failure of the applicant or registrant to submit to
26.4 an examination when directed constitutes an admission of the allegations against the applicant
26.5 or registrant, unless the failure was due to circumstances beyond the applicant's or registrant's
26.6 control, and the commissioner may enter a default and final order without taking testimony
26.7 or allowing evidence to be presented. A registrant affected under this paragraph shall, at
26.8 reasonable intervals, be given an opportunity to demonstrate that the registrant can resume
26.9 the competent practice of massage therapy or Asian bodywork therapy with reasonable skill
26.10 and safety to clients. Neither the record of proceedings nor the orders entered by the
26.11 commissioner in a proceeding under this paragraph may be used against a registrant in any
26.12 other proceeding.

26.13 (c) The commissioner may, notwithstanding section 13.384, 144.651, or 595.02, or any
26.14 other law limiting access to medical or other health data, obtain medical data and health
26.15 records relating to an applicant or registrant without the applicant's or registrant's consent.
26.16 The medical data may be requested from a provider, as defined in section 144.291,
26.17 subdivision 2, paragraph (i); an insurance company; or a government agency, including the
26.18 Department of Human Services and Direct Care and Treatment. A provider, insurance
26.19 company, or government agency shall comply with any written request of the commissioner
26.20 under this subdivision and is not liable in any action for damages for releasing the data
26.21 requested by the commissioner if the data are released pursuant to a written request under
26.22 this subdivision unless the information is false and the provider giving the information
26.23 knew, or had reason to believe, the information was false. Information obtained under this
26.24 subdivision is classified as private data on individuals as defined in section 13.02.

26.25 **Sec. 14. [148.6370] DISCIPLINARY ACTIONS.**

26.26 Subdivision 1. **Forms of disciplinary action.** When the commissioner finds that grounds
26.27 for disciplinary action exist under section 148.6369, subdivision 1, the commissioner may
26.28 take one or more of the following actions:

26.29 (1) deny the registration;

26.30 (2) revoke the registration;

26.31 (3) suspend the registration;

27.1 (4) impose limitations on the practice of massage therapy or Asian bodywork therapy,
27.2 including but not limited to limitation of scope of practice or a requirement to practice under
27.3 supervision;

27.4 (5) impose conditions on the retention of a registration, including but not limited to
27.5 imposing retraining or rehabilitation requirements or conditioning continued practice on a
27.6 demonstration of knowledge or skills by appropriate examination, monitoring, or other
27.7 review;

27.8 (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount
27.9 of the civil penalty (i) to be fixed as to deprive the massage therapist or Asian bodywork
27.10 therapist of any economic advantage gained by reason of the violation charged, (ii) to
27.11 reimburse the commissioner for the cost of counsel, investigation, and proceeding, and (iii)
27.12 to discourage repeated violations;

27.13 (7) order the registrant to provide unremunerated service;

27.14 (8) censure or reprimand the registrant; or

27.15 (9) any other action justified by the facts of the case.

27.16 Subd. 2. **Automatic suspension.** (a) Unless the commissioner orders otherwise, a
27.17 registration is automatically suspended if:

27.18 (1) a guardian for the registrant is appointed by order of a court under sections 524.5-101
27.19 to 524.5-502;

27.20 (2) the registrant is committed by order of a court under chapter 253B; or

27.21 (3) the registrant is determined to be mentally incompetent, mentally ill, chemically
27.22 dependent, or a person dangerous to the public by a court of competent jurisdiction within
27.23 or outside this state.

27.24 (b) A registration suspended under this subdivision remains suspended until the registrant
27.25 is restored to capacity by a court and, upon petition by the registrant, the suspension is
27.26 terminated by the commissioner after a hearing or upon agreement between the commissioner
27.27 and the registrant.

27.28 Subd. 3. **Temporary suspension.** In addition to any other remedy provided by law, the
27.29 commissioner, acting through a person to whom the commissioner has delegated this
27.30 authority and without a hearing, may temporarily suspend the registration of a massage
27.31 therapist or Asian bodywork therapist if the commissioner's delegate finds that the registrant
27.32 has violated a statute or rule that the commissioner is empowered to enforce and that

28.1 continued practice would create a serious risk of harm to others. The suspension is in effect
28.2 upon service of a written order on the registrant specifying the statute or rule violated. The
28.3 order remains in effect until the commissioner issues a final order in the matter after a
28.4 hearing or upon agreement between the commissioner and the registrant. Service of the
28.5 order is effective if the order is served on the registrant or counsel of record personally or
28.6 by first class mail. Within ten days of service of the order, the commissioner shall hold a
28.7 hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift
28.8 the suspension. Evidence presented by the commissioner or registrant shall be in affidavit
28.9 form only. The registrant or the counsel of record may appear for oral argument. Within
28.10 five working days after the hearing, the commissioner shall issue the commissioner's order
28.11 and, if the suspension is continued, schedule a contested case hearing within 45 days after
28.12 issuance of the order. The administrative law judge shall issue a report within 30 days after
28.13 closing of the contested case hearing record. The commissioner shall issue a final order
28.14 within 30 days after receipt of that report.

28.15 Subd. 4. **Hearings.** If the commissioner proposes to take action against the applicant or
28.16 registrant as described in subdivision 1, the commissioner must first notify the applicant or
28.17 registrant against whom the action is proposed to be taken and provide the applicant or
28.18 registrant with an opportunity to request a hearing under the contested case provisions of
28.19 chapter 14. If the applicant or registrant does not request a hearing by notifying the
28.20 commissioner within 30 days after service of the notice of the proposed action, the
28.21 commissioner may proceed with the action without a hearing.

28.22 Subd. 5. **Reissuance.** The commissioner may reinstate and reissue a registration, but as
28.23 a condition may impose any disciplinary or corrective measure that the commissioner might
28.24 originally have imposed. Any person whose registration has been revoked, suspended, or
28.25 limited may have the registration reinstated when, in the discretion of the commissioner,
28.26 the action is warranted, provided that the person shall be required by the commissioner to
28.27 pay the costs of the proceedings resulting in the revocation, suspension, or limitation of the
28.28 registration and reinstatement of the registration and to pay the fee for the current registration
28.29 period. The cost of proceedings shall include but not be limited to the cost paid by the
28.30 commissioner to the Court of Administrative Hearings and the Office of the Attorney General
28.31 for legal and investigative services, the costs of a court reporter and witnesses, reproduction
28.32 of records, and Department of Health staff time, travel, and expenses.

29.1 **Sec. 15. [148.6371] REPORTING OBLIGATIONS.**

29.2 **Subdivision 1. Permission to report.** A person who has knowledge of any conduct
29.3 constituting grounds for disciplinary action relating to massage therapy or Asian bodywork
29.4 therapy under sections 148.636 to 148.6377 may report the violation to the commissioner.

29.5 **Subd. 2. Institutions.** A state agency, political subdivision, agency of a local unit of
29.6 government, private agency, hospital, clinic, prepaid medical plan, or other health care
29.7 institution or organization located in this state shall report to the commissioner any action
29.8 taken by the agency, institution, or organization or any of its administrators or medical or
29.9 other committees to revoke, suspend, restrict, or condition a registrant's privilege to practice
29.10 or treat clients in the institution or, as part of the organization, any denial of privileges or
29.11 any other disciplinary action for conduct that might constitute grounds for disciplinary
29.12 action under sections 148.636 to 148.6377. The institution, organization, or governmental
29.13 entity shall also report the resignation of a registrant prior to the conclusion of any
29.14 disciplinary action proceeding for conduct that might constitute grounds for disciplinary
29.15 action under sections 148.636 to 148.6377 or prior to the commencement of formal charges
29.16 but after the registrant had knowledge that formal charges were contemplated or were being
29.17 prepared.

29.18 **Subd. 3. Professional societies.** A state or local professional society for massage
29.19 therapists or Asian bodywork therapists shall report to the commissioner any termination,
29.20 revocation, or suspension of membership or any other disciplinary action taken against a
29.21 registrant. If the society has received a complaint that might be grounds for disciplinary
29.22 action under sections 148.636 to 148.6377 against a member for whom the society has not
29.23 taken any disciplinary action, the society shall report the complaint and the reason the society
29.24 has not taken action on the complaint to the commissioner, or shall direct the complainant
29.25 to the commissioner.

29.26 **Subd. 4. Licensed health professionals.** (a) For purposes of this subdivision, "client"
29.27 means an individual receiving health services from a licensed health professional.

29.28 (b) A licensed health professional shall report to the commissioner personal knowledge
29.29 of any conduct by a registrant that the licensed health professional reasonably believes
29.30 constitutes grounds for disciplinary action under sections 148.636 to 148.6377, including
29.31 conduct indicating that the individual may be incompetent or may be mentally or physically
29.32 unable to engage safely in the provision of services. If the information was obtained in the
29.33 course of a client relationship, the client is a registrant, and the treating individual successfully
29.34 counsels the client to limit or withdraw from practice to the extent required by the

30.1 impairment, the commissioner may deem this limitation of or withdrawal from practice to
30.2 be sufficient disciplinary action.

30.3 Subd. 5. **Insurers.** (a) Four times each year as prescribed by the commissioner, each
30.4 insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13),
30.5 that provided professional liability insurance to massage therapists or Asian bodywork
30.6 therapists, or the Joint Underwriting Association under chapter 62I shall submit to the
30.7 commissioner a report concerning the registrants against whom malpractice settlements or
30.8 awards have been made. The report must contain at least the following information:

30.9 (1) the total number of malpractice settlements or awards made;

30.10 (2) the dates the malpractice settlements or awards were made;

30.11 (3) the allegations contained in the claims or complaints leading to the settlements or
30.12 awards made;

30.13 (4) the dollar amount of each malpractice settlement or award;

30.14 (5) the regular address of the practice of each registrant against whom an award was
30.15 made or with whom a settlement was made; and

30.16 (6) the name of each registrant against whom an award was made or with whom a
30.17 settlement was made.

30.18 (b) In addition to the information specified in paragraph (a), the insurer shall submit to
30.19 the commissioner any information, records, and files, including client charts and records,
30.20 the insurer possesses that tend to substantiate a charge that a registrant may have engaged
30.21 in conduct that violates sections 148.636 to 148.6377.

30.22 Subd. 6. **Courts.** The court administrator of district court or any other court of competent
30.23 jurisdiction shall report to the commissioner any judgment or other determination of the
30.24 court that adjudges or includes a finding that a registrant is mentally ill, mentally incompetent,
30.25 guilty of a felony, guilty of a violation of federal or state narcotics laws or controlled
30.26 substances act, or guilty of abuse or fraud under Medicare or Medicaid; that appoints a
30.27 guardian of a registrant under sections 524.5-101 to 524.5-502; or that commits a registrant
30.28 under chapter 253B.

30.29 Subd. 7. **Self-reporting.** A registrant shall report to the commissioner:

30.30 (1) any personal action that would require a report to be filed under subdivisions 2 to 5
30.31 by any person, health care facility, business, or organization;

31.1 (2) the revocation, suspension, restriction, limitation, or other disciplinary action against
31.2 the registrant's license, certificate, registration, or right of practice in another state or
31.3 jurisdiction for offenses that would subject the registrant to disciplinary action in this state;
31.4 and

31.5 (3) the filing of charges regarding their license, certificate, registration, or right of practice
31.6 in another state or jurisdiction.

31.7 Subd. 8. **Deadlines; forms.** Reports required in subdivisions 2 to 5 and 7 must be
31.8 submitted no later than 30 days after the reporter learns of the occurrence of the reportable
31.9 event or transaction. The commissioner may provide forms for the submission of reports
31.10 required in this section, may require reports to be submitted on the forms provided, and
31.11 may adopt rules necessary to ensure prompt and accurate reporting.

31.12 Sec. 16. **[148.6372] IMMUNITY.**

31.13 Subdivision 1. **Reporting.** Any health care facility, business, organization, or person,
31.14 other than the registrant who committed the violation, is immune from civil liability or
31.15 criminal prosecution for submitting a report to the commissioner, for otherwise reporting
31.16 to the commissioner violations or alleged violations of sections 148.636 to 148.6377, or for
31.17 cooperating with an investigation of a report, except as provided in this subdivision. Any
31.18 person who knowingly or recklessly makes a false report is liable in a civil suit for any
31.19 damages suffered by the person or persons so reported and for any punitive damages set by
31.20 the court or jury. An action requires clear and convincing evidence that the defendant made
31.21 the statement with knowledge of falsity or with reckless disregard for its truth or falsity.
31.22 The report or statement or any statement made in cooperation with an investigation or as
31.23 part of a disciplinary proceeding is privileged except in an action brought under this
31.24 subdivision.

31.25 Subd. 2. **Investigation.** The commissioner and employees of the Department of Health
31.26 and other persons engaged in the investigation of violations and in the preparation,
31.27 presentation, and management of and testimony pertaining to charges of violations of sections
31.28 148.636 to 148.6377 are immune from civil liability and criminal prosecution for any actions,
31.29 transactions, or publications in the execution of, or relating to, their duties under sections
31.30 148.636 to 148.6377.

31.31 Sec. 17. **[148.6373] COOPERATION.**

31.32 (a) A registrant who is the subject of an investigation by or on behalf of the commissioner
31.33 shall cooperate fully with the investigation. Cooperation includes:

32.1 (1) responding fully and promptly to any question raised by or on behalf of the
32.2 commissioner relating to the subject of the investigation;

32.3 (2) providing copies of client or other records in the registrant's possession, as reasonably
32.4 requested by the commissioner, to assist the commissioner in the investigation; and

32.5 (3) appearing at conferences and hearings scheduled by the commissioner.

32.6 (b) The commissioner shall pay for copies requested. If the commissioner does not have
32.7 a written consent from a client permitting access to the client's records, the registrant shall
32.8 delete any data in the record that identify the client before providing data to the commissioner.
32.9 The commissioner shall maintain any records obtained pursuant to this section as investigative
32.10 data under chapter 13. The registrant shall not be excused from giving testimony or producing
32.11 any documents, books, records, or correspondence on the grounds of self-incrimination,
32.12 but the testimony or evidence may not be used against the registrant in any criminal case.

32.13 **Sec. 18. [148.6374] DISCIPLINARY RECORD ON JUDICIAL REVIEW.**

32.14 Upon judicial review of any disciplinary action taken by the commissioner under sections
32.15 148.636 to 148.6377, the reviewing court shall seal the administrative record, except for
32.16 the commissioner's final decision, and shall not make the administrative record available
32.17 to the public.

32.18 **Sec. 19. [148.6375] EFFECT ON MUNICIPAL ORDINANCES.**

32.19 Subdivision 1. **License authority.** Effective July 1, 2028, sections 148.636 to 148.6377
32.20 preempt the licensure and regulation of massage therapists or Asian bodywork therapists
32.21 by a municipality, including, without limitation, conducting a criminal background
32.22 investigation and examination of a massage therapist or Asian bodywork therapist, or
32.23 applicant for a municipality's credential to practice massage therapy or Asian bodywork
32.24 therapy.

32.25 Subd. 2. **Municipal regulation.** Sections 148.636 to 148.6377 do not limit a municipality
32.26 from:

32.27 (1) requiring a massage therapy or Asian bodywork therapy establishment to obtain a
32.28 business license or permit to conduct business in the municipality; or

32.29 (2) conducting a criminal background investigation on any owners of a massage therapy
32.30 or Asian bodywork therapy establishment who are not registered massage therapists or
32.31 registered Asian bodywork therapists.

33.1 **Sec. 20. [148.6376] MASSAGE THERAPY ADVISORY COUNCIL.**

33.2 **Subdivision 1. Creation; membership.** (a) The Massage Therapy Advisory Council is
33.3 created and is composed of five members appointed by the commissioner. All members
33.4 must have resided in this state for at least three years immediately preceding appointment.

33.5 The advisory council consists of:

33.6 (1) two public members, as defined in section 214.02; and

33.7 (2) three members who are registered under sections 148.636 to 148.6377, two of whom
33.8 must be registered massage therapists.

33.9 (b) No more than one member of the advisory council may be an owner or administrator
33.10 of a massage therapy education provider.

33.11 **Subd. 2. Administration.** The advisory council is established and administered under
33.12 section 15.059.

33.13 **Subd. 3. Chair.** The advisory council shall elect a chair from among its members.

33.14 **Subd. 4. Duties.** The advisory council shall:

33.15 (1) advise the commissioner on establishing standards of practice and a code of ethics
33.16 for registered massage therapists and Asian bodywork therapists;

33.17 (2) advise the commissioner on distributing information regarding massage therapy and
33.18 Asian bodywork therapy practice standards;

33.19 (3) establish educational requirements, approve massage therapy and Asian bodywork
33.20 therapy schools or programs, and conduct or provide for surveys of schools, programs, and
33.21 courses; and

33.22 (4) perform other duties authorized for advisory councils under chapter 214, as directed
33.23 by the commissioner.

33.24 **Subd. 5. Expiration.** Notwithstanding section 15.059, the advisory council does not
33.25 expire.

33.26 **Sec. 21. [148.6377] FEES.**

33.27 **Subdivision 1. Fees.** Fees are as follows:

33.28 (1) initial registration with application fee must not exceed \$285;

33.29 (2) biennial registration renewal fee must not exceed \$185;

33.30 (3) late fee, \$50;

34.1 (4) annual inactive status, \$50;

34.2 (5) inactive to active status reactivation, \$50;

34.3 (6) temporary registration, \$50; and

34.4 (7) returned check, \$35.

34.5 Subd. 2. **Late renewal fee.** An application for registration renewal submitted after the
34.6 deadline must be accompanied by a late fee in addition to the required fees.

34.7 Subd. 3. **Nonrefundable fees.** All of the fees in this section are nonrefundable.

34.8 Subd. 4. **Deposit.** Fees collected by the commissioner under this section must be deposited
34.9 into the state government special revenue fund.

34.10 Sec. 22. **INITIAL MASSAGE THERAPY ADVISORY COUNCIL.**

34.11 Subdivision 1. **Initial member appointments.** The commissioner of health shall make
34.12 the initial appointments to the Massage Therapy Advisory Council authorized under
34.13 Minnesota Statutes, section 148.6376, by January 1, 2027. The initial therapist members
34.14 appointed to the advisory council need not be registered under Minnesota Statutes, sections
34.15 148.636 to 148.6377, prior to initial appointment, but must be a practicing massage therapist
34.16 or Asian bodywork therapist with at least five years of experience in the practice of massage
34.17 therapy or Asian bodywork therapy. A massage therapist or Asian bodywork therapist
34.18 initially appointed to the advisory council must become registered under Minnesota Statutes,
34.19 sections 148.636 to 148.6377, by January 1, 2028. If the massage therapist or Asian bodywork
34.20 therapist member does not become registered by January 1, 2028, the member must be
34.21 removed from the advisory council by the commissioner and a new member who is registered
34.22 under Minnesota Statutes, sections 148.636 to 148.6377, must be appointed by the
34.23 commissioner.

34.24 Subd. 2. **First advisory council meeting; initial chair.** The commissioner of health
34.25 shall designate one member from the initial appointments to call the first meeting of the
34.26 advisory council. The first meeting must be convened by May 15, 2027. The advisory
34.27 council shall elect a chair from its members at the first advisory council meeting.

34.28 Sec. 23. **APPROPRIATION.**

34.29 \$..... in fiscal year 2027 is appropriated from the state government special revenue fund
34.30 to the commissioner of health to implement Minnesota Statutes, sections 148.636 to 148.6377.

ARTICLE 4

MORTUARY SCIENCE

35.1
35.2
35.3 Section 1. Minnesota Statutes 2024, section 149A.02, subdivision 26, is amended to read:

35.4 Subd. 26. **Intern.** "Intern" means an individual ~~that~~ who: (1)(i) has met the educational
35.5 and testing requirements for a license to practice mortuary science in Minnesota; (ii) has
35.6 completed a mortuary science program accredited by the American Board of Funeral Service
35.7 Education; or (iii) is enrolled in a mortuary science program accredited by the American
35.8 Board of Funeral Service Education; (2) has registered with the commissioner of health;
35.9 and (3) is engaged in the practice of mortuary science under the direction and supervision
35.10 of a currently licensed Minnesota mortuary science practitioner.

35.11 Sec. 2. Minnesota Statutes 2024, section 149A.20, subdivision 6, is amended to read:

35.12 Subd. 6. **Internship.** (a) A person ~~who attains a passing score on both examinations in~~
35.13 ~~subdivision 5~~ must complete a registered internship under the direct supervision of an
35.14 individual currently licensed to practice mortuary science in Minnesota. ~~Interns must file~~
35.15 ~~with the commissioner.~~ A person may begin the registered internship while the person is
35.16 enrolled in a mortuary science program accredited by the American Board of Funeral Service
35.17 Education, upon completion of the accredited mortuary science program, or after attaining
35.18 a passing score on both examinations in subdivision 5.

35.19 (b) An applicant for an internship must file with the commissioner:

35.20 (1) the appropriate fee; ~~and~~

35.21 (2) a registration form indicating the name and home address of the ~~intern,~~ applicant;
35.22 the date the internship begins, ~~and;~~ the name, license number, and business address of the
35.23 primary supervising mortuary science licensee; and the name, license number, and business
35.24 address of the alternate supervising mortuary science licensee, if applicable; and

35.25 (3) if the applicant is currently enrolled in a mortuary science program accredited by
35.26 the American Board of Funeral Service Education, a letter from the program specifying the
35.27 name and address of the program; verifying the applicant's enrollment, number of credit
35.28 hours completed, and anticipated graduation date; and specifying whether the applicant has
35.29 completed coursework in embalming and restorative arts.

35.30 ~~(b)~~ (c) Any changes in information provided in the registration must be immediately
35.31 reported to the commissioner. The internship shall be a minimum of 2,080 hours to be
35.32 completed ~~within a three-year period, however,~~ during enrollment in a mortuary science

36.1 program accredited by the American Board of Funeral Service Education, after graduation,
36.2 or both during enrollment and after graduation. However, the commissioner may waive up
36.3 to 520 hours of the internship time requirement upon satisfactory completion of a clinical
36.4 or practicum in mortuary science administered through the program of mortuary science of
36.5 the University of Minnesota or a ~~substantially similar~~ mortuary science program approved
36.6 by the commissioner accredited by the American Board of Funeral Service Education.
36.7 Registrations must be renewed on an annual basis if they exceed one calendar year. During
36.8 the internship period, the intern must be under the direct supervision of a person holding a
36.9 current license to practice mortuary science in Minnesota. An intern may be registered under
36.10 only one registered primary supervising licensee and one registered alternate supervising
36.11 licensee at any given time and may be directed and supervised only by the registered primary
36.12 supervising licensee or registered alternate supervising licensee. The registered primary
36.13 supervising licensee shall have only one intern registered at any given time. The
36.14 commissioner shall issue to each registered intern a registration permit that must be displayed
36.15 with the other establishment and practice licenses. While under the direct supervision of
36.16 the registered primary supervising or alternate supervising licensee, the intern must complete
36.17 25 case reports in each of the following areas: embalming, funeral arrangements, and services.
36.18 An intern who has not completed coursework in embalming and restorative arts must be in
36.19 the physical presence of the primary or alternate supervising licensee in order to perform
36.20 surgical procedures and embalming. Case reports, on forms provided by the commissioner,
36.21 shall be completed by the intern and filed with the commissioner prior to the completion
36.22 of the internship. Information contained in these reports that identifies the subject or the
36.23 family of the subject embalmed or the subject or the family of the subject of the funeral
36.24 shall be classified as licensing data under section 13.41, subdivision 2.

36.25 Sec. 3. Minnesota Statutes 2024, section 149A.20, subdivision 7, is amended to read:

36.26 Subd. 7. **Application procedure and documentation.** After completing the registered
36.27 internship, the applicant for an initial license to practice mortuary science must submit to
36.28 the commissioner a complete application and the appropriate fee. A complete application
36.29 includes:

36.30 (1) a completed application form, as provided by the commissioner;

36.31 (2) proof of age;

36.32 (3) an official transcript from each post high school educational institution attended,
36.33 including colleges of funeral service education;

37.1 (4) certification of a passing score on the National Board Examination from the
 37.2 commissioner of the Conference of Funeral Service Examining Boards of the United States,
 37.3 Inc.;

37.4 (5) a copy of the notification of a passing score on the state licensing examination; and

37.5 (6) a signed, dated, and notarized affidavit from the registered primary supervising
 37.6 licensee who supervised the Minnesota internship stating the date the internship began and
 37.7 ended and that both the applicant and the registered primary supervising licensee fulfilled
 37.8 the requirements under subdivision 6.

37.9 Upon receipt of the completed application and appropriate fee, the commissioner shall
 37.10 review and verify all information. Upon completion of the verification process and resolution
 37.11 of any deficiencies in the application information, the commissioner shall make a
 37.12 determination, based on all the information available, to grant or deny licensure. If the
 37.13 commissioner's determination is to grant licensure, the applicant shall be notified and the
 37.14 license shall issue and remain valid for a period prescribed on the license, but not to exceed
 37.15 one calendar year from the date of issuance of the license. If the commissioner's determination
 37.16 is to deny licensure, the commissioner must notify the applicant, in writing, of the denial
 37.17 and provide the specific reason for the denial.

37.18 Sec. 4. Minnesota Statutes 2024, section 149A.30, subdivision 1, is amended to read:

37.19 Subdivision 1. **Licenses of other states.** (a) The commissioner may issue a reciprocal
 37.20 license to practice mortuary science to a person who holds a current license or other credential
 37.21 from another jurisdiction if the ~~commissioner determines that the requirements for that~~
 37.22 ~~license or other credential are substantially similar to the requirements under this chapter.~~
 37.23 The individual seeking reciprocal licensing must person:

37.24 (1) ~~attain~~ attains:

37.25 (i) a passing score on the Minnesota state licensing examination; and

37.26 (ii) a passing score on the National Board Examination administered by the International
 37.27 Conference of Funeral Service Examining Boards of the United States, Inc., or another
 37.28 examination determined by the commissioner to adequately and accurately assess the
 37.29 knowledge and skills required to practice mortuary science;

37.30 (2) ~~submit~~ submits to the commissioner the documentation described in section 149A.20,
 37.31 subdivision 7, clauses (1) and (5), and certification of a passing score on an examination
 37.32 described in clause (1), item (ii); and

38.1 (3) ~~pay~~ pays the appropriate licensing fee;

38.2 (4) submits to the commissioner:

38.3 (i) documentation that the person meets one of the educational requirements in section
38.4 149A.20, subdivision 4; or

38.5 (ii) documentation that the person has been licensed or credentialed in another jurisdiction
38.6 and a signed, dated affidavit from the person declaring that the person has engaged in at
38.7 least three years of practice in that jurisdiction performing the duties of a licensed mortician;

38.8 (5) submits to the commissioner a signed, dated affidavit from the person declaring that
38.9 the person is not subject to any pending investigations by the mortuary science licensing or
38.10 credentialing authority in any other jurisdiction and is not currently practicing as a licensed
38.11 mortician in any other jurisdiction under a restricted license or credential;

38.12 (6) submits to the commissioner a signed, dated affidavit from the person declaring that
38.13 the person has performed at least 25 services, completed at least 25 funeral arrangements,
38.14 and performed at least 25 embalming cases; and

38.15 (7) submits to the commissioner documentation that the person has completed the
38.16 continuing education hours required in section 149A.40, subdivision 11, within the two-year
38.17 period prior to applying for licensure under this subdivision.

38.18 (b) When, in the determination of the commissioner, all of the requirements of this
38.19 subdivision have been met, the commissioner shall, based on all the information available,
38.20 grant or deny licensure. If the commissioner grants licensure, the applicant shall be notified
38.21 and the license shall issue and remain valid for a period prescribed on the license, but not
38.22 to exceed one calendar year from the date of issuance of the license. If the commissioner
38.23 denies licensure, the commissioner must notify the applicant, in writing, of the denial and
38.24 provide the specific reason for denial.

38.25 ARTICLE 5

38.26 MUSIC THERAPY LICENSURE

38.27 Section 1. Minnesota Statutes 2024, section 144.0572, subdivision 1, is amended to read:

38.28 Subdivision 1. **Criminal history background check requirements.** (a) ~~Beginning~~
38.29 ~~January 1, 2018,~~ An applicant for initial licensure, temporary licensure, or relicensure after
38.30 a lapse in licensure as an audiologist ~~or~~, speech-language pathologist, music therapist, a
38.31 speech-language pathology assistant, or ~~an~~ applicant for initial certification as a hearing
38.32 instrument dispenser, must submit to a criminal history records check of state data completed

39.1 by the Bureau of Criminal Apprehension (BCA) and a national criminal history records
39.2 check, including a search of the records of the Federal Bureau of Investigation (FBI).

39.3 (b) ~~Beginning January 1, 2020,~~ An applicant for a renewal license or certificate as an
39.4 audiologist, speech-language pathologist, music therapist, or hearing instrument dispenser
39.5 who was licensed or obtained a certificate before January 1, 2018, must submit to a criminal
39.6 history records check of state data completed by the BCA and a national criminal history
39.7 records check, including a search of the records of the FBI.

39.8 (c) An applicant must submit to a background study under chapter 245C.

39.9 (d) The criminal history records check must be structured so that any new crimes that
39.10 an applicant or licensee or certificate holder commits after the initial background check are
39.11 flagged in the BCA's or FBI's database and reported back to the commissioner of human
39.12 services.

39.13 **EFFECTIVE DATE.** This section is effective January 1, 2028.

39.14 Sec. 2. **[148H.01] SCOPE.**

39.15 Sections 148H.01 to 148H.16 apply to individuals who are applicants for licensure, who
39.16 are licensed, who use protected titles, or who represent that they are licensed as music
39.17 therapists.

39.18 Sec. 3. **[148H.02] DEFINITIONS.**

39.19 Subdivision 1. **Scope.** The following terms have the meanings given them and apply to
39.20 this chapter.

39.21 Subd. 2. **Advisory council.** "Advisory council" means the Music Therapy Advisory
39.22 Council established in section 148H.03.

39.23 Subd. 3. **Board-certified music therapist.** "Board-certified music therapist" means an
39.24 individual who holds a current board certification from the Certification Board for Music
39.25 Therapists.

39.26 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of health or a
39.27 designee.

39.28 Subd. 5. **License or licensed.** "License" or "licensed" means the act or status of a person
39.29 who meets the requirements of general licensure under section 148H.06, temporary licensure
39.30 under section 148H.08, or licensure by reciprocity under section 148H.09.

40.1 Subd. 6. Licensed professional music therapist or LPMT. "Licensed professional
40.2 music therapist" or "LPMT" means an individual licensed to practice music therapy pursuant
40.3 to this chapter.

40.4 Subd. 7. Music-based interventions. (a) "Music-based interventions" means the use of
40.5 music within a therapeutic relationship to accomplish individualized goals for persons of
40.6 all ages and abilities.

40.7 (b) Music-based interventions include but are not limited to music improvisation,
40.8 receptive music listening, song writing, lyric discussion, music and imagery, singing, music
40.9 performance, learning through music, music combined with other arts, music-assisted
40.10 relaxation, music-based patient education, electronic music intervention, and movement to
40.11 music.

40.12 Subd. 8. Practice of music therapy. (a) "Practice of music therapy" means the use of
40.13 music-based interventions.

40.14 (b) The practice of music therapy includes but is not limited to developing individualized
40.15 music therapy treatment plans specific to the needs and strengths of the client or clients
40.16 treated individually or in groups in a manner appropriate for the specific client and setting.

40.17 (c) The practice of music therapy does not include the screening, diagnosis, or assessment
40.18 of any physical, mental, or communication disorder.

40.19 Subd. 9. Temporary licensure. "Temporary licensure" means the method of licensure
40.20 described in section 148H.08, by which an individual who has completed an approved or
40.21 accredited education program, but has not met the examination requirements, may practice
40.22 music therapy on a temporary basis.

40.23 **Sec. 4. [148H.03] MUSIC THERAPY ADVISORY COUNCIL.**

40.24 Subdivision 1. Establishment. The Music Therapy Advisory Council is hereby
40.25 established to:

40.26 (1) advise the commissioner regarding music therapy licensure standards;

40.27 (2) advise the commissioner regarding enforcement of this chapter;

40.28 (3) review investigation summaries of competency violations and make recommendations
40.29 to the commissioner as to whether the allegations of incompetency are substantiated;

40.30 (4) provide for the distribution of information regarding music therapist licensure
40.31 standards;

41.1 (5) review applications and make recommendations to the commissioner on granting or
41.2 denying licensure or licensure renewal;

41.3 (6) review reports of investigations relating to individuals and make recommendations
41.4 to the commissioner as to whether licensure should be denied or disciplinary action should
41.5 be taken against the individual; and

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

41.8 Subd. 2. **Membership.** The commissioner shall appoint six members to the Music
41.9 Therapy Advisory Council consisting of the following:

41.10 (1) three professional music therapists licensed under this chapter who must be employed
41.11 in a different practice area or employment setting and must include:

41.12 (i) at least one licensed professional music therapist member who is currently engaged
41.13 and for five years immediately preceding their appointment has been engaged in the practice
41.14 of music therapy in Minnesota; and

41.15 (ii) at least one licensed professional music therapist member employed outside the
41.16 seven-county metropolitan area; and

41.17 (2) three public members as defined in section 214.02 who must include:

41.18 (i) two public members who are either personally receiving music therapy services or
41.19 are family members of or caregivers to a person receiving music therapy services; and

41.20 (ii) at least one public member who is a professional from a related profession, including
41.21 but not limited to the professions of speech-language pathology, registered hospice nursing,
41.22 special education services, and psychology.

41.23 Subd. 3. **Administration.** (a) The advisory council is organized and administered under
41.24 section 15.059.

41.25 (b) Upon request of the advisory council, the commissioner must provide meeting space
41.26 and administrative services for the council.

41.27 (c) The members of the advisory council must elect a chair from members of the advisory
41.28 council at the initial meeting.

41.29 Subd. 4. **Term limits.** Advisory council members must not serve for more than two full
41.30 consecutive terms.

42.1 Subd. 5. **Recommendations for appointment.** The Music Therapy Association of
42.2 Minnesota and other interested persons and organizations may recommend to the
42.3 commissioner members qualified for appointment to fill a vacancy or anticipated vacancy
42.4 to the council. Recommendations under this subdivision must be communicated to the
42.5 commissioner no later than 60 days after a position on the board becomes vacant. The
42.6 commissioner may appoint members to the board from the list of persons recommended or
42.7 from among other qualified candidates.

42.8 Subd. 6. **Initial Music Therapy Advisory Council.** (a) The first music therapist members
42.9 appointed to the Music Therapy Advisory Council need not be licensed under this chapter
42.10 but must meet the qualifications for licensure under section 148H.06. The commissioner
42.11 shall make the initial appointments to the Music Therapy Advisory Council by August 1,
42.12 2027.

42.13 (b) The commissioner shall convene the first meeting of the Music Therapy Advisory
42.14 Council by September 1, 2027.

42.15 Subd. 7. **Expiration.** Notwithstanding section 15.059, the advisory council does not
42.16 expire.

42.17 Sec. 5. **[148H.04] UNAUTHORIZED PRACTICE; PROTECTED TITLES; EXEMPT**
42.18 **PERSONS.**

42.19 Subdivision 1. **Unlicensed practice prohibited.** Effective January 1, 2028, an individual
42.20 must be licensed as a music therapist under this chapter to practice music therapy.

42.21 Subd. 2. **Protected titles and restrictions on use.** (a) Use of the term "licensed music
42.22 therapist," "music therapist," "licensed professional music therapist," "LPMT," or similar
42.23 titles or terms to indicate or imply that the person is licensed by the state as a music therapist
42.24 is prohibited unless that person is licensed under this chapter.

42.25 (b) Use of the term "board-certified music therapist" or similar titles or terms to indicate
42.26 or imply that the person is certified by the Certification Board for Music Therapists is
42.27 prohibited unless the person is licensed under this chapter and holds a valid certification
42.28 from the Certification Board for Music Therapists.

42.29 Subd. 3. **Exempt persons.** This chapter does not apply to:

42.30 (1) any person who is licensed, registered, or certified under the laws of this state in
42.31 another profession or occupation who is performing services including the use of music
42.32 incidental to the practice of that profession or occupation in which the person is licensed,
42.33 registered, or certified if the person does not represent themselves to the public as a music

43.1 therapist. This exception includes but is not limited to licensed physicians, psychologists,
43.2 registered nurses, advance practice registered nurses, professional counselors, social workers,
43.3 occupational therapists, alcohol and drug counselors, speech-language pathologists,
43.4 audiologists, or personnel supervised by a licensed professional;

43.5 (2) a person employed as a music therapist by the government of the United States or
43.6 any federal agency. A person who is exempt under this clause may use the protected titles
43.7 identified in subdivision 2, but only in connection with performing official duties for the
43.8 federal government;

43.9 (3) the practice of music therapy as an integral part of a program of study for students
43.10 enrolled in an accredited music therapy program;

43.11 (4) a person who practices music therapy under the supervision of a licensed professional
43.12 music therapist, if the person is not represented to the public as a music therapist; or

43.13 (5) a person who is trained and certified by a nationally accredited certifying organization
43.14 as a music healing professional and who practices within the scope of the specific training
43.15 and certification of the specific music healing profession, if the person is not represented
43.16 to the public as a music therapist.

43.17 **Sec. 6. [148H.05] LICENSURE QUALIFICATIONS.**

43.18 (a) An applicant for licensure must comply with the relevant application requirements
43.19 for general licensure under section 148H.06, temporary licensure under section 148H.08,
43.20 or licensure by reciprocity under section 148H.09.

43.21 (b) To qualify for licensure, an applicant must not be subject to denial of licensure under
43.22 section 148H.15 and must satisfy one of the following:

43.23 (1) meet the general licensure requirements in section 148H.06;

43.24 (2) meet the temporary licensure requirements in section 148H.08; or

43.25 (3) meet the licensure by reciprocity requirements in section 148H.09.

43.26 **Sec. 7. [148H.06] GENERAL LICENSURE REQUIREMENTS.**

43.27 (a) An applicant for licensure must:

43.28 (1) be 18 years of age or older;

44.1 (2) have completed all academic and fieldwork to obtain a bachelor's degree or higher
44.2 in music therapy, or its equivalent, from a music therapy program at a college or university
44.3 approved or accredited by the American Music Therapy Association; and

44.4 (3) have passed the examination for board certification offered by the Certification Board
44.5 for Music Therapists or any successor organization or have been transitioned into board
44.6 certification.

44.7 (b) The applicant is responsible for making all arrangements and incurring all expenses
44.8 for taking the board certification examination under paragraph (a), clause (3). The applicant
44.9 must send their examination scores under paragraph (a), clause (3), directly to the
44.10 commissioner.

44.11 **Sec. 8. [148H.07] GENERAL APPLICATION PROCEDURES.**

44.12 Subdivision 1. **Application for general licensure.** (a) An applicant for general licensure
44.13 must submit:

44.14 (1) a completed application in writing on a form prescribed by the commissioner;

44.15 (2) documentation of current board certification by the Certification Board of Music
44.16 Therapists;

44.17 (3) a signed statement attesting that the information in the application is true and correct
44.18 to the best of the applicant's knowledge and belief;

44.19 (4) a waiver authorizing the commissioner to obtain access to the applicant's professional
44.20 records in this or any other state in which the applicant has practiced music therapy;

44.21 (5) all relevant fees required under section 148H.16;

44.22 (6) a fingerprint-based background check as required under section 144.0572; and

44.23 (7) any other information requested by the commissioner.

44.24 (b) An applicant must complete a new criminal history background check if more than
44.25 one year has elapsed since the applicant last applied for a license.

44.26 Subd. 2. **Application form requirements.** The application form for licensure must
44.27 include, at a minimum, the applicant's:

44.28 (1) name;

44.29 (2) board certification number;

45.1 (3) business address and telephone number, or home address and telephone number if
45.2 the applicant practices music therapy out of the applicant's home; and

45.3 (4) education, training, and experience, including previous work history for the five
45.4 years immediately preceding the date of application.

45.5 Subd. 3. **Action on application for licensure.** (a) The commissioner shall act on all
45.6 applications for licensure. The commissioner shall approve, approve with conditions, or
45.7 deny an application. The commissioner shall address an application according to paragraphs
45.8 (b) to (e).

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

45.12 (c) The commissioner shall not issue a license to an applicant who refuses to consent to
45.13 a background study within 90 days after the submission of an application or who fails to
45.14 submit fingerprints to the Department of Human Services. The applicant forfeits any fees
45.15 paid to the Department of Health if the applicant refuses to consent to a background study.

45.16 (d) The commissioner shall notify the applicant by electronic notification as required in
45.17 sections 15.991 to 15.992 of the action taken on the application and, if licensure is denied
45.18 or approved with conditions, the grounds for the commissioner's determination.

45.19 (e) An applicant denied licensure or granted licensure with conditions may make a
45.20 written request to the commissioner, within 30 days of the date of the commissioner's
45.21 determination, for reconsideration of the commissioner's determination. An applicant
45.22 requesting reconsideration may submit information that the applicant wants considered in
45.23 the reconsideration. After reconsideration of the commissioner's determination, the
45.24 commissioner shall determine whether the original determination is affirmed or modified.
45.25 An applicant is allowed no more than one request for reconsideration of the commissioner's
45.26 determination to deny licensure or approve licensure with conditions in any two-year period.

45.27 Subd. 4. **Reconsideration** (a) If a provisional licensee whose music therapy license has
45.28 been denied or extended with conditions disagrees with the conclusions of the commissioner,
45.29 the provisional licensee may request a reconsideration by the commissioner. The
45.30 reconsideration request process must be conducted internally by the commissioner and
45.31 chapter 14 does not apply.

45.32 (b) The provisional licensee requesting the reconsideration must make the request in
45.33 writing and must list and describe the reasons why the provisional licensee disagrees with

46.1 the decision to deny the music therapy license or the decision to extend the provisional
46.2 license with conditions.

46.3 (c) The reconsideration request and supporting documentation must be received by the
46.4 commissioner within 15 calendar days after the date the provisional licensee receives the
46.5 denial or provisional license with conditions.

46.6 **Sec. 9. [148H.08] TEMPORARY LICENSURE.**

46.7 Subdivision 1. **Eligibility for temporary licensure.** The commissioner shall issue a
46.8 temporary license to practice music therapy to applicants who submit all required information
46.9 and fees required by subdivision 2 and who are not the subject of a current or past disciplinary
46.10 action or disqualified based on actions listed under section 148H.15.

46.11 Subd. 2. **Application for temporary licensure.** (a) An applicant for temporary licensure
46.12 must submit:

46.13 (1) a completed application for temporary licensure on forms provided by the
46.14 commissioner;

46.15 (2) any applicable fees under section 148H.16; and

46.16 (3) evidence of one of the following:

46.17 (i) completion of all academic and fieldwork requirements of a college or university
46.18 program for music therapists that is approved or accredited by the American Music Therapy
46.19 Association and either (1) the initiation of sitting for the board certification exam for the
46.20 first time, or (2) sitting to retake the board certification exam after receiving a failing score;

46.21 (ii) a copy of a current and unrestricted credential to practice music therapy in another
46.22 jurisdiction; or

46.23 (iii) a copy of a current and unrestricted certificate from the Certification Board for
46.24 Music Therapists stating that the applicant is certified as a music therapist.

46.25 (b) An applicant for temporary licensure under paragraph (a), clause (3), item (ii) or
46.26 (iii), must provide an affidavit with the application for temporary licensure stating that the
46.27 applicant is not the subject of a pending investigation or disciplinary action and has not
46.28 been the subject of a past disciplinary action.

46.29 Subd. 3. **Qualifying examination requirements; expiration and renewability.** (a) An
46.30 individual issued a temporary license must demonstrate to the commissioner successful
46.31 completion of the qualifying examination requirements under section 148H.06 within the
46.32 temporary licensure period. It is the temporary license holder's obligation to submit to the

47.1 commissioner the temporary license holder's qualifying examination score. A temporary
47.2 license holder who fails to submit a qualifying examination score within the temporary
47.3 licensure period is subject to disciplinary action pursuant to section 148H.15.

47.4 (b) A temporary license issued under this section expires 12 months from the date of
47.5 issuance or on the date the commissioner grants or denies licensure, whichever occurs first.

47.6 (c) A temporary license is not renewable.

47.7 **Sec. 10. [148H.09] LICENSURE BY RECIPROCITY.**

47.8 The commissioner shall issue a license to an applicant for a music therapy license if an
47.9 applicant has submitted:

47.10 (1) an application in a form and manner prescribed by the commissioner, accompanied
47.11 by applicable fees under section 148H.16;

47.12 (2) evidence satisfactory to the commissioner that the applicant is licensed and in good
47.13 standing as a music therapist in another jurisdiction where the qualifications required are
47.14 equivalent to or higher than those required in this chapter at the date of application;

47.15 (3) letters of verification from each other jurisdiction in which the applicant has practiced
47.16 music therapy in the last five years including the following information:

47.17 (i) the applicant's name;

47.18 (ii) the applicant's date of birth;

47.19 (iii) the applicant's credential number in that jurisdiction;

47.20 (iv) the date and terms of issuance of the credential in that jurisdiction; and

47.21 (v) a statement regarding disciplinary actions, if any, taken against the applicant; and

47.22 (4) a fingerprint-based background check as required under section 144.0572.

47.23 **Sec. 11. [148H.10] CONTINUING EDUCATION REQUIREMENTS.**

47.24 (a) Upon obtaining initial board certification, licensees and applicants must engage in
47.25 continuing education.

47.26 (b) The five-year cycle for completing continuing education requirements begins a year
47.27 after a licensee or applicant passes the examination for board certification offered by the
47.28 Certification Board for Music Therapists or any successor organization.

48.1 (c) During each five-year cycle, a licensee or applicant must complete 100 hours of
48.2 Continuing Music Therapy Education (CMTE) credits. Three of the 100 hours must be
48.3 related to ethics.

48.4 (d) A licensee or applicant may complete CMTE credits in the following categories:

48.5 (1) workshops, courses, and conferences;

48.6 (2) independent learning;

48.7 (3) presentations;

48.8 (4) music therapy student supervision;

48.9 (5) publications or writing; and

48.10 (6) professional development.

48.11 (e) An applicant must include proof of completion of CMTE requirements with their
48.12 certification from the Certification Board for Music Therapists or any successor organization
48.13 each time they renew their license to practice music therapy.

48.14 **Sec. 12. [148H.11] RENEWAL OF LICENSE; LICENSE LAPSE.**

48.15 Subdivision 1. **Renewal requirements.** To be eligible for license renewal, a licensee
48.16 must submit:

48.17 (1) a completed and signed application for license renewal on a form provided by the
48.18 commissioner;

48.19 (2) the renewal fee required under section 148H.16;

48.20 (3) proof that the licensee has met and maintained the continuing education requirements
48.21 under section 148H.10 and board certification as a board-certified music therapist; and

48.22 (4) additional information as requested by the commissioner to clarify information
48.23 presented in the renewal application. The applicant for license renewal must submit any
48.24 additional information requested by the commissioner within 30 calendar days of the request.

48.25 Subd. 2. **Renewal deadline.** (a) Licenses must be renewed every two years.

48.26 (b) Each license must state an expiration date.

48.27 (c) A completed application for license renewal must be received by the commissioner
48.28 at least 30 days before the license expiration date.

49.1 (d) A completed application for license renewal not received within the time required
49.2 under paragraph (c), but received on or before the expiration date, must be accompanied
49.3 by a late fee in addition to the renewal fee in section 148H.16.

49.4 Subd. 3. **Licensure renewal notice.** At least 60 calendar days before the expiration date
49.5 in subdivision 2, the commissioner must mail a renewal notice to the licensee's last known
49.6 address on file with the commissioner. The notice must include information on how to apply
49.7 for licensure renewal and notice of fees required for renewal. The licensee's failure to receive
49.8 the notice does not relieve the licensee of the obligation to meet the renewal deadline and
49.9 other requirements for licensure renewal.

49.10 Subd. 4. **Failure to renew.** (a) If a licensee fails to renew a license, the license lapses.
49.11 The license may be restored within four years of the expiration date upon completion of the
49.12 requirements in subdivision 1 and payment of the late fee in section 148H.16.

49.13 (b) A person who requests reinstatement of a lapsed license more than four years after
49.14 the license expiration date is required to reapply for licensure as a new applicant and must
49.15 comply with the requirements for new licensees at the time of application.

49.16 Sec. 13. **[148H.12] CHANGE OF NAME, ADDRESS, OR EMPLOYMENT.**

49.17 A licensee who changes their name, address, employment, business address, or business
49.18 telephone number must inform the commissioner of the change in writing within 30 days
49.19 of the change. A change in name must be accompanied by a copy of a marriage certificate
49.20 or court order. All notices or other correspondence mailed to or served on the licensee by
49.21 the commissioner at the licensee's address on file with the commissioner is considered
49.22 received by the licensee.

49.23 Sec. 14. **[148H.13] PRACTICE OF MUSIC THERAPY.**

49.24 Subdivision 1. **Referrals.** A licensed music therapist may accept referrals for music
49.25 therapy services from medical, developmental, mental health, or education professionals;
49.26 family members; clients; caregivers; or others involved and authorized to provide services
49.27 to the client.

49.28 Subd. 2. **Assessment.** A licensed music therapist must conduct a music therapy
49.29 assessment of a client to determine if treatment is indicated. If treatment is indicated, the
49.30 licensee must collect systematic, comprehensive, and accurate information to determine the
49.31 appropriateness and type of music therapy services to provide the client.

50.1 Subd. 3. **Knowledge and skill.** A licensed music therapist must use appropriate
50.2 knowledge and skills when providing music therapy services, including the use of research,
50.3 reasoning, and problem-solving skills to determine appropriate actions in the context of
50.4 each specific clinical setting.

50.5 Subd. 4. **Treatment plan.** A licensed music therapist must develop an individualized
50.6 music therapy treatment plan for the client based on the results of the music therapy
50.7 assessment under paragraph (c). The music therapy treatment plan must include
50.8 individualized goals and objectives that focus on the assessed needs and strengths of the
50.9 client and must specify music therapy approaches and interventions to be used to address
50.10 the goals and objectives. The individualized music therapy treatment plan must be consistent
50.11 with any other developmental, rehabilitative, habilitative, medical, mental health, preventive,
50.12 wellness care, or educational services being provided to the client.

50.13 Subd. 5. **Evaluation; client progress.** A licensed music therapist shall evaluate on an
50.14 ongoing basis the client's response to music therapy and to the music therapy treatment
50.15 plan, document the client's progress, and make modifications to the plan, as appropriate. A
50.16 licensed music therapist shall determine when music therapy services are no longer needed
50.17 in collaboration with the client, the client's health care provider or providers, family members
50.18 of the client, and other appropriate individuals upon whom the client relies for support.

50.19 Subd. 6. **Communication with client and others.** A licensed music therapist shall
50.20 collaborate with and educate the client and the client's family, caregiver, and any other
50.21 appropriate individual regarding the needs of the client being addressed in music therapy
50.22 and the manner in which the music therapy treatment addresses those needs. A licensed
50.23 music therapist shall minimize any barriers to ensure that the client receives music therapy
50.24 services in the least restrictive environment.

50.25 Sec. 15. **[148H.14] REVIEW OF CLIENT DOCUMENTATION; COLLABORATION**
50.26 **WITH OTHER TREATING PROFESSIONALS.**

50.27 Subdivision 1. **Review of diagnosis, treatment, and educational plans.** Before a
50.28 licensed professional music therapist provides music therapy services to a client for an
50.29 identified clinical or developmental need, the music therapist shall review the client's
50.30 diagnosis, treatment needs, and treatment plan with any care or support team involved in
50.31 the client's care. Before a licensed professional music therapist provides music therapy
50.32 services to a client for an identified educational need in a special education setting, the
50.33 music therapist shall review the student's diagnosis, treatment needs, and any treatment plan
50.34 with the individualized family care team or individualized education program team.

51.1 Subd. 2. **Collaboration with treatment team.** During the provision of music therapy
51.2 services to a client, the licensed professional music therapist shall collaborate as applicable
51.3 with the client's treatment team, including the client's physician, psychologist, licensed
51.4 clinical social worker, or other mental health professional.

51.5 Subd. 3. **Collaboration with and services provided by an audiologist or**
51.6 **speech-language pathologist.** (a) During the provision of music therapy services to a client
51.7 with a communication disorder, the licensed professional music therapist shall collaborate
51.8 and discuss the music therapy treatment plan with the client's audiologist or speech-language
51.9 pathologist before a licensed professional music therapist is permitted to work with the
51.10 client and address communication skills.

51.11 (b) When providing educational or health care services, a licensed professional music
51.12 therapist must not replace the services provided by an audiologist or a speech-language
51.13 pathologist. Unless authorized to practice speech-language pathology, licensed professional
51.14 music therapists must not evaluate, examine, instruct, or counsel on speech, language,
51.15 communication, or swallowing disorders and conditions.

51.16 (c) An individual licensed as a licensed professional music therapist must not represent
51.17 to the public that the individual is authorized to treat a communication disorder. This does
51.18 not prohibit an individual licensed as a professional music therapist from representing to
51.19 the public that the individual may work with clients who have a communication disorder
51.20 and address communication skills.

51.21 Sec. 16. **[148H.15] GROUNDS FOR DENIAL OF LICENSURE AND DISCIPLINE;**
51.22 **DISCIPLINARY ACTION.**

51.23 Subdivision 1. **Grounds for denial of license or discipline.** The commissioner may
51.24 revoke, suspend, deny, approve with conditions, or refuse to issue or renew a license, or
51.25 may discipline a licensee using any of the disciplinary actions listed in subdivision 3, on
51.26 evidence that the individual has:

51.27 (1) intentionally submitted false or misleading information to the board;

51.28 (2) failed, within 30 days, to provide information in response to a written request by the
51.29 board;

51.30 (3) performed services of a licensed professional music therapist in an incompetent or
51.31 negligent manner or in a manner that falls below the community standard of care;

51.32 (4) violated sections 148H.01 to 148H.16;

- 52.1 (5) aided or abetted another person in violating any provision of sections 148H.01 to
52.2 148H.16;
- 52.3 (6) failed to perform services with reasonable judgment, skill, or safety due to the use
52.4 of alcohol or drugs, or other physical or mental impairment;
- 52.5 (7) been convicted of violating any state or federal law, rule, or regulation which directly
52.6 relates to the practice of music therapy;
- 52.7 (8) been disciplined for conduct in the practice of an occupation by the state of Minnesota,
52.8 another jurisdiction, or a national professional association, if any of the grounds for discipline
52.9 are the same or substantially equivalent to those in sections 148H.01 to 148H.16;
- 52.10 (9) not cooperated with the board in an investigation conducted according to subdivision
52.11 2;
- 52.12 (10) advertised in a manner that is false or misleading;
- 52.13 (11) engaged in dishonest, unethical, or unprofessional conduct in connection with the
52.14 practice of music therapy that is likely to deceive, defraud, or harm the public;
- 52.15 (12) demonstrated a willful or careless disregard for the health, welfare, or safety of a
52.16 client;
- 52.17 (13) provided intervention, other than music therapy, without being licensed to do so
52.18 under the laws of this state;
- 52.19 (14) paid or promised to pay a commission or part of a fee to any person who contacts
52.20 the licensed professional music therapist for consultation or sends patients to the music
52.21 therapist for intervention;
- 52.22 (15) engaged in an incentive payment arrangement, other than that prohibited by clause
52.23 (14), that promotes music therapy overutilization, whereby the referring person or person
52.24 who controls the availability of music therapy services to a client profits unreasonably as
52.25 a result of client intervention;
- 52.26 (16) engaged in abusive or fraudulent billing practices, including violations of federal
52.27 Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical
52.28 assistance laws;
- 52.29 (17) obtained money, property, or services from a consumer using undue influence,
52.30 high-pressure sales tactics, harassment, duress, deception, or fraud;
- 52.31 (18) performed services for a client who had no possibility of benefiting from the services;

53.1 (19) failed to refer a client for medical evaluation when appropriate or when a client
53.2 indicated symptoms associated with diseases that could be medically or surgically treated;

53.3 (20) engaged in conduct with a client that is sexual or may reasonably be interpreted by
53.4 a client as sexual, or in any verbal behavior that is sexual or sexually demeaning to a patient;

53.5 (21) violated a federal or state court order, including a conciliation court judgment, or
53.6 a disciplinary order issued by the board, related to the person's music therapy practice; or

53.7 (22) any other just cause related to the practice of music therapy.

53.8 Subd. 2. **Investigation of complaints.** The commissioner may initiate an investigation
53.9 upon receiving a complaint or other oral or written communication that alleges or implies
53.10 that a person has violated any part of this chapter. In the receipt, investigation, and hearing
53.11 of a complaint that alleges or implies a person has violated sections 148H.01 to 148H.65,
53.12 the board has the powers included in and must follow the procedures under sections 214.10
53.13 and 214.103, subdivision 1a.

53.14 Subd. 3. **Disciplinary actions.** If the commissioner finds that a licensed professional
53.15 music therapist has engaged in any action listed in subdivision 1, the commissioner may
53.16 take one or more of the following actions:

53.17 (1) refuse to grant or renew a license;

53.18 (2) approve licensure with conditions;

53.19 (3) revoke licensure;

53.20 (4) suspend licensure;

53.21 (5) any reasonable lesser action, including but not limited to reprimand or restriction on
53.22 licensure;

53.23 (6) any action authorized by statute; or

53.24 (7) impose a civil penalty not to exceed \$10,000 for each separate violation, the amount
53.25 of the civil penalty to be fixed so as to deprive the licensed professional music therapist of
53.26 any economic advantage gained by reason of the violation charged, to discourage similar
53.27 violations, or to reimburse the Department of Health for the cost of the investigation and
53.28 proceeding, including but not limited to fees paid for services provided by the Office of
53.29 Administrative Hearings, legal and investigative services provided by the Office of the
53.30 Attorney General, court reporters, witnesses, reproduction of records, advisory council
53.31 members' per diem compensation, advisory council or Department of Health staff time, and

54.1 travel costs and expenses incurred by advisory council staff and members and Department
54.2 of Health staff.

54.3 Subd. 4. **Effect of specific disciplinary action on use of title.** Upon notice from the
54.4 commissioner denying licensure renewal or upon notice that the commissioner imposed
54.5 disciplinary action and the person is no longer entitled to practice music therapy and use
54.6 the music therapy and licensed titles, the person shall cease to practice music therapy, to
54.7 use titles protected by section 148H.04, and to represent to the public that the person is
54.8 licensed by the commissioner.

54.9 Subd. 5. **Reinstatement requirements after disciplinary action.** A person who has
54.10 had licensure suspended may request and provide justification for reinstatement following
54.11 the period of suspension specified by the commissioner. The requirements of section 148H.11
54.12 for renewing licensure and any other conditions imposed with the suspension must be met
54.13 before licensure may be reinstated.

54.14 Subd. 6. **Authority to contract.** The commissioner shall contract with the health
54.15 professionals services program as authorized by sections 214.31 to 214.37 to provide services
54.16 to practitioners under this chapter. The health professionals services program does not affect
54.17 the commissioner's authority to discipline violations of this chapter.

54.18 Sec. 17. **[148H.16] FEES.**

54.19 Subdivision 1. **Licensing fees.** (a) The fees established by the commissioner shall not
54.20 exceed the following amounts:

54.21 (1) initial licensure fee, \$.....;

54.22 (2) temporary licensure fee, \$75;

54.23 (3) licensure renewal fee, \$100;

54.24 (4) licensure renewal late fee, \$115;

54.25 (5) license verification, \$25; and

54.26 (6) duplicate license fee, \$20.

54.27 (b) The commissioner shall prorate the initial licensure fee for first-time licensees
54.28 according to the number of months that have elapsed between the date the license is issued
54.29 and the date the license expires or must be renewed under section 148H.11.

54.30 (c) Fees are nonrefundable.

55.1 (d) Fees received under this chapter shall be deposited in the state government special
55.2 revenue fund.

55.3 Subd. 2. **Penalty fees.** (a) The penalty fee for practicing music therapy or using protected
55.4 titles without a current license after the credential has expired and before it is renewed is
55.5 \$100 for any part of the first month, plus \$100 for any part of any subsequent month up to
55.6 12 months.

55.7 (b) The penalty fee for applicants who engage in the unauthorized practice of music
55.8 therapy or use protected titles before being issued a license is \$200 for any part of the first
55.9 month, plus \$200 for any part of any subsequent month up to six months. This paragraph
55.10 does not apply to applicants not qualifying for a license who engage in the unauthorized
55.11 practice of music therapy.

55.12 (c) For conduct described in paragraph (a) or (b) exceeding six months, payment of a
55.13 penalty fee does not preclude any disciplinary action reasonably justified by the individual
55.14 case.

55.15 **ARTICLE 6**

55.16 **PHYSICIAN ASSISTANT PRACTICE**

55.17 Section 1. Minnesota Statutes 2024, section 147A.01, subdivision 18, is amended to read:

55.18 Subd. 18. **Physician assistant associate or licensed physician assistant**
55.19 **associate.** "Physician ~~assistant~~ associate" or "licensed physician ~~assistant~~ associate" means
55.20 a person licensed pursuant to this chapter who meets the qualifications in section 147A.02.

55.21 Sec. 2. Minnesota Statutes 2024, section 147A.03, subdivision 1, is amended to read:

55.22 Subdivision 1. **Protected titles.** No individual may use the titles "Minnesota Licensed
55.23 Physician Associate," "Licensed Physician Associate," "Physician Associate," "Minnesota
55.24 Licensed Physician Assistant," "Licensed Physician Assistant," "Physician Assistant," or
55.25 "PA" in connection with the individual's name, or any other words, letters, abbreviations,
55.26 or insignia indicating or implying that the individual is licensed by the state unless they
55.27 have been licensed according to this chapter.

55.28 Sec. 3. Minnesota Statutes 2024, section 147A.03, is amended by adding a subdivision to
55.29 read:

55.30 Subd. 5. **Title revision.** (a) Notwithstanding any other provisions of law, a physician
55.31 assistant must be titled a "physician associate" in Minnesota Statutes and Minnesota Rules.

56.1 The terms "physician associate," "physician assistant," and "PA" are synonymous, and all
56.2 rights and responsibilities of a physician assistant in Minnesota Statutes must continue
56.3 uninterrupted and unchanged.

56.4 (b) The title change to "physician associate" under paragraph (a) does not expand the
56.5 scope of practice for a professional licensed under this chapter.

56.6 (c) All persons or entities employing, coordinating treatment with, following orders
56.7 from, training, educating, or contracting with an individual licensed as a physician associate
56.8 under this chapter or educating an individual enrolled in an accredited physician assistant
56.9 or physician associate educational program shall continue this relationship without
56.10 interruption or alteration as a result of the title change under paragraph (a). No person or
56.11 entity shall discriminate against any individual in contract, employment, or otherwise solely
56.12 as a result of an individual's change of title described in paragraph (a). This paragraph applies
56.13 to persons and entities that include but are not limited to:

56.14 (1) hospitals or other health care facilities;

56.15 (2) physicians;

56.16 (3) malpractice insurance carriers;

56.17 (4) the federal government; and

56.18 (5) third-party payors, including but not limited to commercial insurers, health
56.19 maintenance organizations, and the Minnesota medical assistance program.

56.20 **Sec. 4. DIRECTION TO COMMISSIONERS AND BOARDS.**

56.21 The commissioners of health and human services, and health-related licensing boards,
56.22 as defined in Minnesota Statutes, section 214.01, subdivision 2, if applicable, must, as soon
56.23 as practicable in the normal course of business, make conforming amendments to active
56.24 versions of commissioner or board guidance, documents, and forms within their jurisdiction
56.25 reflecting the change of title described in Minnesota Statutes, section 147A.03, subdivision
56.26 5. The commissioners and boards may take all further action necessary to reflect the change
56.27 of title described in Minnesota Statutes, section 147A.03, subdivision 5.

56.28 **Sec. 5. REVISOR INSTRUCTION.**

56.29 The revisor of statutes shall change the term "physician assistant" and applicable variants
56.30 to "physician associate" and applicable variants wherever the term appears in Minnesota

57.1 Statutes and Minnesota Rules. The revisor may make grammatical and conforming changes
57.2 related to the term change.

57.3 **ARTICLE 7**

57.4 **BOARD OF SOCIAL WORK**

57.5 Section 1. Minnesota Statutes 2024, section 148E.065, subdivision 4a, is amended to read:

57.6 Subd. 4a. **City, county, and state social workers.** (a) Beginning July 1, 2016, the
57.7 licensure of city, county, and state agency social workers is voluntary, except an individual
57.8 who is newly employed by a city or state agency after July 1, 2016, must be licensed if the
57.9 individual who provides social work services, as those services are defined in section
57.10 148E.010, subdivision 11, paragraph (b), is presented to the public by any title incorporating
57.11 the words "social work" or "social worker."

57.12 (b) Beginning July 1, 2026, a county agency social worker who does not hold a
57.13 baccalaureate degree or graduate degree in social work or who is not licensed under this
57.14 chapter must not be presented to the public by any title incorporating the words "social
57.15 work" or "social worker," unless the individual was employed by the county agency prior
57.16 to July 1, 2027. This paragraph is not grounds for the modification or removal of any right
57.17 or benefit accrued under a collective bargaining agreement ratified before July 1, 2026.

57.18 Sec. 2. Minnesota Statutes 2024, section 148E.195, subdivision 2a, is amended to read:

57.19 Subd. 2a. **Representations.** Effective July 1, 2016:

57.20 (a) No applicant or other individual may be represented to the public by any title
57.21 incorporating the words "social work" or "social worker" unless the individual is employed
57.22 by a county and meets the requirements under section 148E.065, subdivision 4a, or holds
57.23 a license according to this chapter.

57.24 (b) In all professional use of a social worker's name, the social worker must use the
57.25 license designation "LSW" or "licensed social worker" for a licensed social worker, "LGSW"
57.26 or "licensed graduate social worker" for a licensed graduate social worker, "LISW" or
57.27 "licensed independent social worker" for a licensed independent social worker, or "LICSW"
57.28 or "licensed independent clinical social worker" for a licensed independent clinical social
57.29 worker.

57.30 (c) Public statements or advertisements must not be untruthful, misleading, false,
57.31 fraudulent, deceptive, or potentially exploitative of clients, former clients, interns, students,
57.32 supervisees, or the public.

- 58.1 (d) A social worker must not:
- 58.2 (1) use licensure status as a claim, promise, or guarantee of successful service;
- 58.3 (2) obtain a license by cheating or employing fraud or deception;
- 58.4 (3) make false statements or misrepresentations to the board or in materials submitted
- 58.5 to the board; or
- 58.6 (4) engage in conduct that has the potential to deceive or defraud a social work client,
- 58.7 intern, student, supervisee, or the public.

58.8 Sec. 3. Minnesota Statutes 2024, section 148E.280, is amended to read:

58.9 **148E.280 USE OF TITLES.**

58.10 No individual may be presented to the public by any title incorporating the words "social

58.11 work" or "social worker" or in the titles in section 148E.195, unless that individual is

58.12 employed by a county and meets the requirements under section 148E.065, subdivision 4a,

58.13 or holds a license under this chapter."

58.14 Amend the title accordingly