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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3388

02/14/2022 Authored by Morrison
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to occupational licensing; establishing board processing procedures for
1.3 physician and nurse licensure applications; requiring the Board of Medical Practice
1.4 to issue temporary permits to practice as a respiratory therapist; amending
1.5 Minnesota Statutes 2020, sections 147C.15, subdivision 3; 148.211, by adding a
1.6 subdivision; 148.212, subdivision 1; proposing coding for new law in Minnesota
1.7 Statutes, chapters 147; 148.

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

1.9 Section 1. [147.0395] BOARD ACTION ON LICENSURE APPLICATIONS.

1.10 Subdivision 1. Licensure application processing. (a) The board shall act on each
1.11 application submitted for licensure to practice medicine according to this section.

1.12 (b) The board shall determine if the applicant meets the requirements for licensure under
1.13 this chapter. The board shall determine if the application is complete or is deficient in any
1.14 way within 30 days from the date the application was received by the board. The board may
1.15 investigate information provided by an applicant in the application to determine whether
1.16 the information provided is accurate.

1.17 (c) If the board determines that the application is complete, the board shall process the
1.18 application, and shall make a decision on the physician's application for licensure no later
1.19 than 30 days from the date the board determined that the application was complete, and no
1.20 later than 60 days from the date the application was received by the board.

1.21 (d) If the board determines that the application is incomplete or deficient in any way,
1.22 the board must inform the applicant of the application's deficiencies within 30 days from
1.23 the date the application was received by the board. Upon receipt of the necessary information
1.24 from the applicant, the board shall process the application and shall make a decision on the

2.1 application for licensure no later than 30 days from the date the board determines the
 2.2 application is complete.

2.3 (e) Refusal of an applicant to supply information necessary to address an application's
 2.4 deficiencies or failure to satisfy the requirements for licensure may result in denial of a
 2.5 license.

2.6 Subd. 2. **Permitting access to application information.** (a) Upon submitting an
 2.7 application for licensure, an applicant may provide written consent to the board authorizing
 2.8 the board to release information regarding the applicant's application to the applicant's
 2.9 employers or potential employers. If an applicant authorizes access to the applicant's
 2.10 application, the applicant must identify the applicant's employers or potential employers
 2.11 that may request information regarding the applicant's application from the board.

2.12 (b) If authorized by the applicant, the applicant's employer or a potential employer may
 2.13 inquire to the board regarding the status of the applicant's application including whether the
 2.14 application is complete and accurate; if complete and accurate, the date in which the board
 2.15 is set to make a decision on the application; and whether the board has determined that the
 2.16 application is not complete or accurate, and if so, what are the application's deficiencies.

2.17 (c) For purposes of this subdivision, sections 13.41, subdivision 2, and 214.25 do not
 2.18 apply if the applicant has consented in writing to the board permitting the board to release
 2.19 information regarding the applicant's application to the applicant's employer or potential
 2.20 employers identified by the applicant in accordance with this section.

2.21 Subd. 3. **Application navigator.** The board must appoint an application navigator to
 2.22 assist applicants in the application process. The board must make the application navigator's
 2.23 contact information available on the board's website and must provide an applicant with the
 2.24 contact information at the time the applicant submits an application for licensure. The
 2.25 applicant or the applicant's employer or potential employer, if authorized by the applicant,
 2.26 may contact the application navigator to assist in the application process, including keeping
 2.27 the applicant informed as to the status of the application.

2.28 **EFFECTIVE DATE.** This section is effective for applications submitted on or after
 2.29 January 1, 2023.

2.30 Sec. 2. Minnesota Statutes 2020, section 147C.15, subdivision 3, is amended to read:

2.31 Subd. 3. **Temporary permit.** (a) The board ~~may~~ shall issue a nonrenewable temporary
 2.32 permit to practice as a respiratory therapist to an applicant eligible for licensure under this
 2.33 section if the application for licensure under this section if:

- 3.1 (1) the application for licensure is complete;
 3.2 (2) all applicable requirements in this section have been met;
 3.3 (3) the applicant is not the subject of a pending investigation or disciplinary action, nor
 3.4 disqualified for any other reason; and
 3.5 (4) a nonrefundable fee set by the board has been paid.

3.6 (b) The permit remains valid ~~only~~ until the meeting of the board at which a decision is
 3.7 made on the respiratory therapist's application for licensure, or for 120 days, whichever
 3.8 comes first.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.10 Sec. 3. Minnesota Statutes 2020, section 148.211, is amended by adding a subdivision to
 3.11 read:

3.12 Subd. 1d. **Early application submission.** An applicant for licensure by examination
 3.13 may submit to the board an application for licensure at the time the applicant is enrolled in
 3.14 the final semester of study in a nursing education program approved by the board. The board
 3.15 shall not issue a license to practice nursing until the applicant has met all applicable
 3.16 requirements described in subdivision 1, paragraph (b).

3.17 Sec. 4. **[148.2115] BOARD ACTION ON LICENSURE APPLICATIONS.**

3.18 Subdivision 1. **Licensure application processing.** (a) The board shall act on each
 3.19 application submitted for licensure to practice nursing according to this section.

3.20 (b) The board shall determine if the applicant meets the requirements for licensure under
 3.21 sections 148.171 to 148.285. The board shall determine if the application is complete or is
 3.22 deficient in any way within 30 days from the date the application was received by the board.
 3.23 The board may investigate information provided by an applicant in the application to
 3.24 determine whether the information provided is accurate.

3.25 (c) If the board determines that the application is complete, the board shall process the
 3.26 application, and shall make a decision on the nurse's application for licensure no later than
 3.27 30 days from the date the board determined that the application was complete, and no later
 3.28 than 60 days from the date the application was received by the board.

3.29 (d) If the board determines that the application is incomplete or deficient in any way,
 3.30 the board must inform the applicant of the application's deficiencies within 30 days from
 3.31 the date the application was received by the board. Upon receipt of the necessary information

4.1 from the applicant, the board shall process the application and shall make a decision on the
4.2 application for licensure within 30 days from the date the board determines the application
4.3 is complete.

4.4 (e) Refusal of an applicant to supply information necessary to address an application's
4.5 deficiencies or failure to satisfy the requirements for licensure may result in denial of a
4.6 license.

4.7 Subd. 2. **Permitting access to application information.** (a) Upon submitting an
4.8 application for licensure, an applicant may provide written consent to the board authorizing
4.9 the board to release information regarding the applicant's application to the applicant's
4.10 employers or potential employers. If an applicant authorizes access to the applicant's
4.11 application, the applicant must identify the applicant's employers or potential employers
4.12 that may request information regarding the applicant's application from the board.

4.13 (b) If authorized by the applicant, the applicant's employer or a potential employer may
4.14 inquire to the board regarding the status of the applicant's application, including whether
4.15 the application is complete and accurate; if complete and accurate, the date in which the
4.16 board is set to make a decision on the application; and whether the board has determined
4.17 that the application is not complete or accurate, and if so, what are the application's
4.18 deficiencies.

4.19 (c) For purposes of this subdivision, sections 13.41, subdivision 2, and 214.25 do not
4.20 apply if the applicant has consented in writing to the board permitting the board to release
4.21 information regarding the applicant's application to the applicant's employer or potential
4.22 employers that have been identified by the applicant in accordance with this section.

4.23 Subd. 3. **Application navigator.** The board must appoint an application navigator to
4.24 assist applicants in the application process. The board must make the application navigator's
4.25 contact information available on the board's website and must provide an applicant with the
4.26 contact information at the time the applicant submits an application for licensure. The
4.27 applicant or the applicant's employer or potential employer, if authorized by the applicant,
4.28 may contact the application navigator to assist in the application process, including keeping
4.29 the applicant informed as to the status of the application.

4.30 **EFFECTIVE DATE.** This section is effective for applications submitted on or after
4.31 January 1, 2023.

5.1 Sec. 5. Minnesota Statutes 2020, section 148.212, subdivision 1, is amended to read:

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

5.7 (a) The applicant for licensure by endorsement under section 148.211, subdivision 2, is
5.8 currently licensed to practice professional or practical nursing in another state, territory, or
5.9 Canadian province. The permit is valid until the date of board action on the application or
5.10 for ~~60~~ 120 days, whichever comes first.

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

5.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.