

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 378

(SENATE AUTHORS: DRAHEIM)

DATE
01/17/2023

D-PG

Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health care; providing the Board of Medical Practice discretion in
1.3 investigating certain complaints against a regulated person; amending Minnesota
1.4 Statutes 2022, section 147.161, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 147.161, subdivision 1, is amended to read:

1.7 Subdivision 1. **Investigation.** (a) The board shall maintain and keep current a file
1.8 containing the reports and complaints filed against persons regulated by the board in the
1.9 state. Except as provided in paragraph (b), each complaint filed with the board pursuant to
1.10 section 214.10, subdivision 1, shall be investigated according to section 214.10, subdivision
1.11 2.

1.12 (b) The board may decline to investigate a complaint against a regulated person if the
1.13 complaint is solely based on public comments made by a regulated person in a public forum,
1.14 including on social media, and the comments of the regulated person are not directly related
1.15 to the care of a patient or services provided to a patient.

1.16 (c) Whenever the files maintained by the board show that a professional malpractice
1.17 settlement or award to the plaintiff has been made against a person regulated by the board
1.18 as reported by insurers pursuant to section 147.111, the executive director of the board shall
1.19 notify the board and the board may authorize a review of the regulated person's practice.

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