

1.1 moves to amend H.F. No. 362 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 MASSAGE THERAPY AND ASIAN BODYWORK THERAPY

1.5 Section 1. [148.636] CITATION.

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

1.8 Sec. 2. [148.6361] DEFINITIONS.

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

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

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

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

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

1.19 (1) pressing;

1.20 (2) soothing;

1.21 (3) kneading;

2.1 (4) vibration;

2.2 (5) friction;

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

2.4 (7) active assistive and resistive movement;

2.5 (8) stretching; and

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

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

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

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

2.14 Subd. 7. **Contact hours.** "Contact hours" means the number of hours during which a
2.15 student is engaged in learning activities provided by a training program approved by the
2.16 advisory council. Contact hours include synchronous or asynchronous distance learning
2.17 and in-person learning.

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

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

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

2.24 (1) stroking;

2.25 (2) gliding;

2.26 (3) lifting;

2.27 (4) kneading;

2.28 (5) jostling;

2.29 (6) vibration;

2.30 (7) percussion;

3.1 (8) compression;

3.2 (9) friction;

3.3 (10) holding;

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

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

3.6 (13) active assistive and resistive movement; and

3.7 (14) stretching.

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

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

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

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

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

3.23 **Sec. 3. [148.6362] DUTIES OF THE COMMISSIONER.**

3.24 The commissioner shall:

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

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

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

3.30 (4) approve a credentialing examination;

- 4.1 (5) enforce sections 148.636 to 148.6377 and investigate violations of sections 148.636
4.2 to 148.6377 by a registrant or applicant;
- 4.3 (6) impose disciplinary action as described in section 148.6370;
- 4.4 (7) maintain a record of names and addresses of registrants; and
- 4.5 (8) distribute information regarding massage therapy and Asian bodywork therapy
4.6 standards, including applications and forms necessary to carry out sections 148.636 to
4.7 148.6377.

4.8 **Sec. 4. [148.6363] LIMITATIONS ON PRACTICE.**

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

- 4.11 (1) performing examinations for the purpose of diagnosis;
- 4.12 (2) providing treatments that are outside the scope of massage therapy or Asian bodywork
4.13 therapy practice;
- 4.14 (3) attempts to adjust, manipulate, or mobilize any articulation of the body or spine by
4.15 the use of high-velocity, low-amplitude thrusting force;
- 4.16 (4) attempts to stimulate various points of the body by needle insertion or interruption
4.17 of the cutaneous integrity by needle insertion to secure therapeutic relief of symptoms;
- 4.18 (5) prescriptive exercise;
- 4.19 (6) manual or mechanical traction when applied to the spine or extremities for the
4.20 purposes of joint mobilization or manipulation;
- 4.21 (7) injection therapy;
- 4.22 (8) laser therapy;
- 4.23 (9) microwave diathermy;
- 4.24 (10) electrical stimulation;
- 4.25 (11) ultrasound;
- 4.26 (12) iontophoresis; or
- 4.27 (13) phonophoresis.

4.28 Subd. 2. **Referrals to other health care providers.** If a registered massage therapist or
4.29 Asian bodywork therapist finds a client's medical condition is beyond the scope of practice

5.1 established by sections 148.636 to 148.6377 for a registered massage therapist or Asian
5.2 bodywork therapist, the therapist must refer the client to a licensed health care provider.
5.3 Nothing in this subdivision prohibits the registered massage therapist or Asian bodywork
5.4 therapist from continuing to comanage a client's care.

5.5 **Sec. 5. [148.6364] PROTECTED TITLES AND RESTRICTIONS ON USE.**

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

5.11 **Sec. 6. [148.6365] EXEMPTIONS; OTHER HEALTH CARE PROVIDERS.**

5.12 Subdivision 1. **Other professions.** Nothing in sections 148.636 to 148.6377 shall be
5.13 construed to prohibit, restrict, or regulate the practice of any profession or occupation
5.14 licensed or registered in the state by an individual licensed or registered to practice the
5.15 profession or occupation or to perform any act that falls within the scope of practice of the
5.16 profession or occupation.

5.17 Subd. 2. **Complementary and alternative health care practitioner.** Nothing in sections
5.18 148.636 to 148.6377 shall be construed to prohibit, restrict, or regulate the practice of any
5.19 individual who is engaged in providing complementary and alternative health care practices
5.20 as defined in section 146A.01, subdivision 4, provided that the practitioner does not use a
5.21 protected title under section 148.6364 or advertise or imply that the practitioner is registered
5.22 under sections 148.636 to 148.6377.

5.23 **Sec. 7. [148.6366] REQUIREMENTS FOR REGISTRATION.**

5.24 Subdivision 1. **General registration requirements.** (a) To be eligible for registration
5.25 as a massage therapist or Asian bodywork therapist according to sections 148.636 to
5.26 148.6377, an applicant must submit to the commissioner:

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

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

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

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

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

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

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

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

6.8 (i) is licensed by or registered with the Minnesota Office of Higher Education or has
6.9 conditional approval for a registered school and provisional license from the Minnesota
6.10 Office of Higher Education; and

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

6.12 (3) proof of successful passage of a credentialing examination approved by the
6.13 commissioner;

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

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

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

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

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

6.31 (1) anatomy;

6.32 (2) physiology;

7.1 (3) pathology;

7.2 (4) massage therapy;

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

7.4 (6) professional ethics;

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

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

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

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

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

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

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

7.20 (d) A student shall not begin a supervised clinical practice of massage therapy without
7.21 student or professional liability insurance coverage of up to \$2,000,000 per occurrence and
7.22 \$6,000,000 annual aggregate. The school or program may offer to the student, the student
7.23 or professional liability insurance coverage required under this paragraph.

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

7.30 (1) anatomy;

7.31 (2) physiology;

8.1 (3) pathology;

8.2 (4) Asian bodywork therapy;

8.3 (5) traditional Chinese medicine theory;

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

8.5 (7) professional ethics;

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

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

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

8.9 (b) An applicant for registration as an Asian bodywork therapist under subdivision 1

8.10 whose application is received by the commissioner on or after July 1, 2031, must submit to

8.11 the commissioner proof of satisfactorily completing a postsecondary program that meets

8.12 the requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

8.13 (1) has programmatic accreditation for Asian bodywork therapy training programs from

8.14 an agency recognized by the United States Department of Education; or

8.15 (2) includes at least 625 contact hours of education and training composed of 500 contact

8.16 hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student

8.17 clinical practice.

8.18 (c) An Asian bodywork therapy school or program may require more than 625 total

8.19 contact hours of education and training, and may require more than 125 hours of supervised

8.20 clinical practice, if at least 500 contact hours are devoted to instruction in the subjects listed

8.21 in paragraph (a).

8.22 (d) A student shall not begin a supervised clinical practice of Asian bodywork therapy

8.23 without providing proof to the Asian bodywork therapy school or program of professional

8.24 liability insurance coverage of up to \$2,000,000 per occurrence and \$6,000,000 annual

8.25 aggregate. The school or program may offer to the student, the professional liability insurance

8.26 coverage required under this paragraph.

8.27 Subd. 4. **Registration by endorsement.** (a) To be eligible for registration by

8.28 endorsement, an applicant must:

8.29 (1) meet the requirements for registration in subdivision 1 with the exception of

8.30 subdivision 1, paragraph (a), clauses (2) and (3);

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

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

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

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

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

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

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

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

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

9.30 (b) A temporary registration holder is considered a registrant for purposes of sections
9.31 148.6369 to 148.6374.

10.1 **Sec. 8. [148.6367] REGISTRATION RENEWAL.**

10.2 **Subdivision 1. Expiration of registration.** Registrations issued according to sections
10.3 148.636 to 148.6377 expire two years from the date of issuance.

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

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

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

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

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

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

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

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

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

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

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

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

10.29 (1) a renewal application;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.28 Sec. 9. **[148.6368] COMMISSIONER ACTION ON APPLICATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.6 **Sec. 10. [148.6369] GROUNDS FOR DISCIPLINARY ACTION.**

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

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

13.13 (1) failing to demonstrate the qualifications or to satisfy the requirements for registration
13.14 under sections 148.636 to 148.6377 or rules of the commissioner. In the case of an applicant,
13.15 the burden of proof is on the applicant to demonstrate the qualifications or satisfy the
13.16 requirements;

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

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

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

13.26 (iii) advertising a service, the provision of which would constitute a violation of sections
13.27 148.636 to 148.6377 or rules established by the commissioner; and

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

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

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

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

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

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

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

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

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

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

- 15.1 (12) managing client records and information improperly, including but not limited to
15.2 failing to maintain adequate client records, comply with a client's request made according
15.3 to sections 144.291 to 144.298, or furnish a client record or report required by law;
- 15.4 (13) revealing a privileged communication from or relating to a client except when
15.5 otherwise required or permitted by law;
- 15.6 (14) providing massage therapy services or Asian bodywork therapy services that are
15.7 linked to the financial gain of a referral source;
- 15.8 (15) obtaining money, property, or services from a client, other than reasonable fees for
15.9 services provided to the client, through the use of undue influence, harassment, duress,
15.10 deception, or fraud;
- 15.11 (16) engaging in abusive or fraudulent billing practices, including violations of federal
15.12 Medicare and Medicaid laws or state medical assistance laws;
- 15.13 (17) failing to consult with a client's health care provider who prescribed a course of
15.14 massage therapy treatment or Asian bodywork therapy treatment if the treatment needs to
15.15 be altered from the original written order to conform with standards in the massage therapy
15.16 or Asian bodywork therapy field or the registrant's level of training or experience;
- 15.17 (18) failing to cooperate with an investigation of the commissioner or the commissioner's
15.18 representatives, including failing to: respond fully and promptly to any question raised by
15.19 or on behalf of the commissioner relating to the subject of the investigation; execute all
15.20 releases requested by the commissioner; provide copies of client records as reasonably
15.21 requested by the commissioner to assist in the commissioner's investigation; and appear at
15.22 conferences or hearings scheduled by the commissioner or the commissioner's staff;
- 15.23 (19) interfering with an investigation or disciplinary proceeding, including by willful
15.24 misrepresentation of facts or by the use of threats or harassment to prevent a person from
15.25 providing evidence in a disciplinary proceeding or any legal action;
- 15.26 (20) violating a statute, rule, order, or agreement for corrective action that the
15.27 commissioner issued or is otherwise authorized or empowered to enforce;
- 15.28 (21) aiding or abetting a person in violating sections 148.636 to 148.6377;
- 15.29 (22) failing to report to the commissioner other massage therapists and Asian bodywork
15.30 therapists who commit violations of sections 148.636 to 148.6377; and
- 15.31 (23) failing to notify the commissioner in writing of the entry of a final judgment by a
15.32 court of competent jurisdiction against the registrant for malpractice of massage therapy or

16.1 Asian bodywork therapy, or any settlement by the registrant in response to charges or
16.2 allegations of malpractice of massage therapy or Asian bodywork therapy. The notice must
16.3 be provided to the commissioner within 60 days after the entry of a judgment or date of
16.4 settlement, and must contain the name of the court, case number, and the names of all parties
16.5 to the action.

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

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

16.13 (b) The commissioner may direct the applicant or registrant to submit to a mental or
16.14 physical examination or substance use disorder evaluation. For the purpose of this
16.15 subdivision, when an applicant or registrant is directed in writing by the commissioner to
16.16 submit to a mental or physical examination or substance use disorder evaluation, that
16.17 applicant or registrant is considered to have consented and to have waived all objections to
16.18 admissibility on the grounds of privilege. Failure of the applicant or registrant to submit to
16.19 an examination when directed constitutes an admission of the allegations against the applicant
16.20 or registrant, unless the failure was due to circumstances beyond the applicant's or registrant's
16.21 control, and the commissioner may enter a default and final order without taking testimony
16.22 or allowing evidence to be presented. A registrant affected under this paragraph shall, at
16.23 reasonable intervals, be given an opportunity to demonstrate that the registrant can resume
16.24 the competent practice of massage therapy or Asian bodywork therapy with reasonable skill
16.25 and safety to clients. Neither the record of proceedings nor the orders entered by the
16.26 commissioner in a proceeding under this paragraph, may be used against a registrant in any
16.27 other proceeding.

16.28 (c) The commissioner may, notwithstanding sections 13.384, 144.651, or 595.02, or any
16.29 other law limiting access to medical or other health data, obtain medical data and health
16.30 records relating to an applicant or registrant without the applicant's or registrant's consent.
16.31 The medical data may be requested from a provider, as defined in section 144.291,
16.32 subdivision 2, paragraph (i), an insurance company, or a government agency, including the
16.33 Department of Human Services and Direct Care and Treatment. A provider, insurance
16.34 company, or government agency shall comply with any written request of the commissioner
16.35 under this subdivision and is not liable in any action for damages for releasing the data

17.1 requested by the commissioner if the data are released pursuant to a written request under
17.2 this subdivision unless the information is false and the provider giving the information
17.3 knew, or had reason to believe, the information was false. Information obtained under this
17.4 subdivision is classified as private data on individuals as defined in section 13.02.

17.5 Sec. 11. [148.6370] DISCIPLINARY ACTIONS.

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

17.9 (1) deny the registration;

17.10 (2) revoke the registration;

17.11 (3) suspend the registration;

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

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

17.19 (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount
17.20 of the civil penalty to be fixed as to deprive the massage therapist or Asian bodywork
17.21 therapist of any economic advantage gained by reason of the violation charged, to reimburse
17.22 the commissioner for the cost of counsel, investigation, and proceeding, and to discourage
17.23 repeated violations;

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

17.25 (8) censure or reprimand the registrant; or

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

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

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

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

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

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

18.8 Subd. 3. **Temporary suspension.** In addition to any other remedy provided by law, the
18.9 commissioner, acting through a person to whom the commissioner has delegated this
18.10 authority and without a hearing, may temporarily suspend the registration of a massage
18.11 therapist or Asian bodywork therapist if the commissioner's delegate finds that the registrant
18.12 has violated a statute or rule that the commissioner is empowered to enforce and continued
18.13 practice would create a serious risk of harm to others. The suspension is in effect upon
18.14 service of a written order on the registrant specifying the statute or rule violated. The order
18.15 remains in effect until the commissioner issues a final order in the matter after a hearing or
18.16 upon agreement between the commissioner and the registrant. Service of the order is effective
18.17 if the order is served on the registrant, or counsel of record, personally or by first class mail.
18.18 Within ten days of service of the order, the commissioner shall hold a hearing on the sole
18.19 issue of whether there is a reasonable basis to continue, modify, or lift the suspension.
18.20 Evidence presented by the commissioner or registrant shall be in affidavit form only. The
18.21 registrant, or the counsel of record, may appear for oral argument. Within five working days
18.22 after the hearing, the commissioner shall issue the commissioner's order and, if the suspension
18.23 is continued, schedule a contested case hearing within 45 days after issuance of the order.
18.24 The administrative law judge shall issue a report within 30 days after closing of the contested
18.25 case hearing record. The commissioner shall issue a final order within 30 days after receipt
18.26 of that report.

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

18.34 Subd. 5. **Reissuance.** The commissioner may reinstate and reissue a registration, but as
18.35 a condition may impose any disciplinary or corrective measure that it might originally have

19.1 imposed. Any person whose registration has been revoked, suspended, or limited may have
19.2 the registration reinstated when, in the discretion of the commissioner, the action is warranted,
19.3 provided that the person shall be required by the commissioner to pay the costs of the
19.4 proceedings resulting in the revocation, suspension, or limitation of the registration and
19.5 reinstatement of the registration, and to pay the fee for the current registration period. The
19.6 cost of proceedings shall include, but not be limited to, the cost paid by the commissioner
19.7 to the Court of Administrative Hearings and the Office of the Attorney General for legal
19.8 and investigative services, the costs of a court reporter and witnesses, reproduction of
19.9 records, and Department of Health staff time, travel, and expenses.

19.10 Sec. 12. [148.6371] REPORTING OBLIGATIONS.

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

19.14 Subd. 2. **Institutions.** A state agency, political subdivision, agency of a local unit of
19.15 government, private agency, hospital, clinic, prepaid medical plan, or other health care
19.16 institution or organization located in this state shall report to the commissioner any action
19.17 taken by the agency, institution, or organization or any of its administrators or medical or
19.18 other committees to revoke, suspend, restrict, or condition a registrant's privilege to practice
19.19 or treat clients in the institution or, as part of the organization, any denial of privileges or
19.20 any other disciplinary action for conduct that might constitute grounds for disciplinary
19.21 action under sections 148.636 to 148.6377. The institution, organization, or governmental
19.22 entity shall also report the resignation of a registrant prior to the conclusion of any
19.23 disciplinary action proceeding for conduct that might constitute grounds for disciplinary
19.24 action under sections 148.636 to 148.6377 or prior to the commencement of formal charges
19.25 but after the registrant had knowledge that formal charges were contemplated or were being
19.26 prepared.

19.27 Subd. 3. **Professional societies.** A state or local professional society for massage
19.28 therapists or Asian bodywork therapists shall report to the commissioner any termination,
19.29 revocation, or suspension of membership or any other disciplinary action taken against a
19.30 registrant. If the society has received a complaint that might be grounds for disciplinary
19.31 action under sections 148.636 to 148.6377 against a member on which it has not taken any
19.32 disciplinary action, the society shall report the complaint and the reason why it has not taken
19.33 action on it to the commissioner, or shall direct the complainant to the commissioner.

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

20.3 (b) A licensed health professional shall report to the commissioner personal knowledge
20.4 of any conduct by a registrant that the licensed health professional reasonably believes
20.5 constitutes grounds for disciplinary action under sections 148.636 to 148.6377, including
20.6 conduct indicating that the individual may be incompetent or may be mentally or physically
20.7 unable to engage safely in the provision of services. If the information was obtained in the
20.8 course of a client relationship, the client is a registrant, and the treating individual successfully
20.9 counsels the client to limit or withdraw from practice to the extent required by the
20.10 impairment, the commissioner may deem this limitation of or withdrawal from practice to
20.11 be sufficient disciplinary action.

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

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

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

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

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

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

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

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

20.31 Subd. 6. **Courts.** The court administrator of district court or any other court of competent
20.32 jurisdiction shall report to the commissioner any judgment or other determination of the
20.33 court that adjudges or includes a finding that a registrant is mentally ill, mentally incompetent,

21.1 guilty of a felony, guilty of a violation of federal or state narcotics laws or controlled
21.2 substances act, or guilty of abuse or fraud under Medicare or Medicaid; that appoints a
21.3 guardian of a registrant under sections 524.5-101 to 524.5-502; or that commits a registrant
21.4 under chapter 253B.

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

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

21.8 (2) the revocation, suspension, restriction, limitation, or other disciplinary action against
21.9 their license, certificate, registration, or right of practice in another state or jurisdiction for
21.10 offenses that would subject the registrant to disciplinary action in this state; and

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

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

21.18 Sec. 13. **[148.6372] IMMUNITY.**

21.19 Subdivision 1. **Reporting.** Any health care facility, business, organization, or person,
21.20 other than the registrant who committed the violation, is immune from civil liability or
21.21 criminal prosecution for submitting a report to the commissioner, for otherwise reporting
21.22 to the commissioner violations or alleged violations of sections 148.636 to 148.6377, or for
21.23 cooperating with an investigation of a report, except as provided in this subdivision. Any
21.24 person who knowingly or recklessly makes a false report is liable in a civil suit for any
21.25 damages suffered by the person or persons so reported and for any punitive damages set by
21.26 the court or jury. An action requires clear and convincing evidence that the defendant made
21.27 the statement with knowledge of falsity or with reckless disregard for its truth or falsity.
21.28 The report or statement or any statement made in cooperation with an investigation or as
21.29 part of a disciplinary proceeding is privileged except in an action brought under this
21.30 subdivision.

21.31 Subd. 2. **Investigation.** The commissioner and employees of the Department of Health
21.32 and other persons engaged in the investigation of violations and in the preparation,
21.33 presentation, and management of and testimony pertaining to charges of violations of sections

22.1 148.636 to 148.6377 are immune from civil liability and criminal prosecution for any actions,
22.2 transactions, or publications in the execution of, or relating to, their duties under sections
22.3 148.636 to 148.6377.

22.4 Sec. 14. **[148.6373] COOPERATION.**

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

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

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

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

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

22.19 Sec. 15. **[148.6374] DISCIPLINARY RECORD ON JUDICIAL REVIEW.**

22.20 Upon judicial review of any disciplinary action taken by the commissioner under sections
22.21 148.636 to 148.6377, the reviewing court shall seal the administrative record, except for
22.22 the commissioner's final decision, and shall not make the administrative record available
22.23 to the public

22.24 Sec. 16. **[148.6375] EFFECT ON MUNICIPAL ORDINANCES.**

22.25 Subdivision 1. **License authority.** Effective July 1, 2028, sections 148.636 to 148.6377
22.26 preempt the licensure and regulation of massage therapists or Asian bodywork therapists
22.27 by a municipality, including, without limitation, conducting a criminal background
22.28 investigation and examination of a massage therapist or Asian bodywork therapist, or
22.29 applicant for a municipality's credential to practice massage therapy or Asian bodywork
22.30 therapy.

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

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

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

23.8 Sec. 17. **[148.6376] MASSAGE THERAPY ADVISORY COUNCIL.**

23.9 Subdivision 1. **Creation; membership.** (a) The Massage Therapy Advisory Council is
23.10 created and is composed of five members appointed by the commissioner. All members
23.11 must have resided in this state for at least three years immediately preceding appointment.
23.12 The advisory council consists of:

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

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

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

23.18 Subd. 2. **Administration.** The advisory council is established and administered under
23.19 section 15.059.

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

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

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

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

23.26 (3) establish educational requirements, approve massage therapy and Asian bodywork
23.27 therapy schools or programs, and conduct or provide for surveys of schools, programs, and
23.28 courses; and

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

24.1 Subd. 5. **Expiration.** Notwithstanding section 15.059, the advisory council does not
24.2 expire.

24.3 Sec. 18. **[148.6377] FEES.**

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

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

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

24.7 (3) late fee, \$50;

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

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

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

24.11 (7) returned check, \$35.

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

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

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

24.17 Sec. 19. **INITIAL MASSAGE THERAPY ADVISORY COUNCIL.**

24.18 Subdivision 1. **Initial member appointments.** The commissioner of health shall make
24.19 the initial appointments to the Massage Therapy Advisory Council authorized under
24.20 Minnesota Statutes, section 148.6376, by January 1, 2027. The initial therapist members
24.21 appointed to the advisory council need not be registered under Minnesota Statutes, sections
24.22 148.636 to 148.6377, prior to initial appointment, but must be a practicing massage therapist
24.23 or Asian bodywork therapist with at least five years of experience in the practice of massage
24.24 therapy or Asian bodywork therapy. A massage therapist or Asian bodywork therapist
24.25 initially appointed to the advisory council must become registered under Minnesota Statutes,
24.26 sections 148.636 to 148.6377, by January 1, 2028. If the massage therapist or Asian bodywork
24.27 therapist member does not become registered by January 1, 2028, the member must be
24.28 removed from the advisory council by the commissioner and a new member who is registered
24.29 under Minnesota Statutes, sections 148.636 to 148.6377, must be appointed by the
24.30 commissioner.

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

25.5 Sec. 20. **APPROPRIATION.**

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

25.8 **ARTICLE 2**

25.9 **CONFORMING AMENDMENTS**

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

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

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

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

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

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

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

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

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

26.7 (b) The procedures for exchanging information must provide for the forwarding to the
26.8 entities described in paragraph (a), clause (1), of information and evidence, including the
26.9 results of investigations, that are relevant to matters within the regulatory jurisdiction of
26.10 the organizations in paragraph (a). The data have the same classification in the hands of the
26.11 agency receiving the data as they have in the hands of the agency providing the data.

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

26.15 (d) The office shall forward to another governmental agency any complaints received
26.16 by the office that do not relate to the office's jurisdiction but that relate to matters within
26.17 the jurisdiction of the other governmental agency. The agency to which a complaint is
26.18 forwarded shall advise the office of the disposition of the complaint. A complaint or other
26.19 information received by another governmental agency relating to a statute or rule that the
26.20 office is empowered to enforce must be forwarded to the office to be processed in accordance
26.21 with this section.

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

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

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

26.30 Subd. 8. Registered massage therapists and Asian bodywork therapists. Effective
26.31 July 1, 2028, a person whose registration as a massage therapist or Asian bodywork therapist
26.32 under sections 148.636 to 148.6377 has been suspended or revoked by the commissioner

- 27.1 of health must not practice as an unlicensed complementary and alternative health care
- 27.2 practitioner under this chapter during a period of suspension or revocation."
- 27.3 Amend the title accordingly