

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2352

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DATE	D-PG	OFFICIAL STATUS
03/11/2019	782	Introduction and first reading Referred to Health and Human Services Finance and Policy
03/14/2019	974a	Comm report: To pass as amended
	977	Second reading

1.1 A bill for an act

1.2 relating to health care; prohibiting maintenance of certification for physicians;

1.3 amending Minnesota Statutes 2018, section 147.02, by adding a subdivision;

1.4 proposing coding for new law in Minnesota Statutes, chapters 62Q; 144.

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

1.6 Section 1. **[62Q.748] DISCRIMINATION BASED ON MAINTENANCE OF**

1.7 **CERTIFICATION.**

1.8 A health plan company shall not require as a condition of payment or reimbursement

1.9 for a claim submitted by a physician or as a condition to participate in the health plan

1.10 company's provider network that a physician maintain certification by a nationally recognized

1.11 accrediting organization that specializes in a specific area of medicine and requires periodic

1.12 reexaminations to maintain certification after initial certification and one renewal requiring

1.13 examination.

1.14 Sec. 2. **[144.588] MAINTENANCE OF CERTIFICATION PROHIBITED.**

1.15 (a) Except as permitted under paragraph (b), a health care facility, including a hospital,

1.16 outpatient surgical center, or health care clinic shall not differentiate between physicians

1.17 based on the physician maintaining certification by a nationally recognized accrediting

1.18 organization that specializes in a specific area of medicine and requires periodic

1.19 reexaminations to maintain certification as a requirement or condition of employment or

1.20 entering into a contract with the facility, or as a condition or requirement of surgical,

1.21 admitting, or other staff privileges at the health care facility.

2.1 (b) A health care facility may require a physician to be certified by a nationally recognized
2.2 accrediting organization that requires periodic reexaminations to maintain certification as
2.3 a condition of initial employment and may require the physician to renew the certification
2.4 one time to maintain employment if renewal requires a reexamination.

2.5 (c) This section does not apply if:

2.6 (1) the health care facility's designation, certification, or accreditation by a national
2.7 certifying or accrediting organization is contingent on the facility requiring a specific
2.8 maintenance of certification by physicians seeking staff privileges or credentialing at the
2.9 facility; and

2.10 (2) the differentiation is limited to those physicians whose maintenance of certification
2.11 is required for the facility's designation, certification, or accreditation.

2.12 Sec. 3. Minnesota Statutes 2018, section 147.02, is amended by adding a subdivision to
2.13 read:

2.14 Subd. 7. **Maintenance of certification.** (a) Notwithstanding subdivision 1, paragraph
2.15 (i); section 147.03, subdivision 1, paragraph (c), clause (2); or section 147.037, subdivision
2.16 1, paragraph (e), clause (2), the board shall not require as a qualification for licensure or
2.17 for licensure renewal under this chapter certification by a nationally recognized accrediting
2.18 organization or maintenance of certification by a nationally recognized accrediting
2.19 organization that includes periodic reexamination to measure core competencies as a
2.20 requirement for maintaining certification.

2.21 (b) Nothing in paragraph (a) shall be construed to prohibit or limit the board from
2.22 requiring the completion of continuing medical education credits as a requirement for
2.23 licensure renewal.