

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

S.F. No. 3709

(SENATE AUTHORS: LATZ)

DATE
02/15/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; including aggravated first-degree witness tampering in
1.3 certain definitions of violent crime and crimes against a person; amending
1.4 Minnesota Statutes 2022, section 243.167, subdivision 1; Minnesota Statutes 2023
1.5 Supplement, sections 146A.08, subdivision 1; 609.1095, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2023 Supplement, section 146A.08, subdivision 1, is
1.8 amended to read:

1.9 Subdivision 1. **Prohibited conduct.** (a) The commissioner may impose disciplinary
1.10 action as described in section 146A.09 against any unlicensed complementary and alternative
1.11 health care practitioner. The following conduct is prohibited and is grounds for disciplinary
1.12 action:

1.13 (b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt,
1.14 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,
1.15 reasonably related to engaging in complementary and alternative health care practices.
1.16 Conviction, as used in this subdivision, includes a conviction of an offense which, if
1.17 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,
1.18 without regard to its designation elsewhere, or a criminal proceeding where a finding or
1.19 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not
1.20 entered.

1.21 (c) Conviction of any crime against a person. For purposes of this chapter, a crime against
1.22 a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20;
1.23 609.205; 609.2112; 609.2113; 609.2114; 609.215; 609.221; 609.222; 609.223; 609.224;

2.1 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245;
2.2 609.247; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342;
2.3 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1 or 1b; 609.50, subdivision 1,
2.4 clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3; and Minnesota Statutes
2.5 2012, section 609.21.

2.6 (d) Failure to comply with the self-reporting requirements of section 146A.03, subdivision
2.7 7.

2.8 (e) Engaging in sexual contact with a complementary and alternative health care client,
2.9 engaging in contact that may be reasonably interpreted by a client as sexual, engaging in
2.10 any verbal behavior that is seductive or sexually demeaning to the client, or engaging in
2.11 sexual exploitation of a client or former client.

2.12 (f) Advertising that is false, fraudulent, deceptive, or misleading.

2.13 (g) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or
2.14 careless disregard for the health, welfare, or safety of a complementary and alternative
2.15 health care client; or any other practice that may create danger to any client's life, health,
2.16 or safety, in any of which cases, proof of actual injury need not be established.

2.17 (h) Adjudication as mentally incompetent or as a person who is dangerous to self or
2.18 adjudication pursuant to chapter 253B as chemically dependent, mentally ill, developmentally
2.19 disabled, mentally ill and dangerous to the public, or as a sexual psychopathic personality
2.20 or sexually dangerous person.

2.21 (i) Inability to engage in complementary and alternative health care practices with
2.22 reasonable safety to complementary and alternative health care clients.

2.23 (j) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

2.24 (k) Improper or unauthorized personal or other use of any legend drugs as defined in
2.25 chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined
2.26 in chapter 152.

2.27 (l) Revealing a communication from, or relating to, a complementary and alternative
2.28 health care client except when otherwise required or permitted by law.

2.29 (m) Failure to comply with a complementary and alternative health care client's request
2.30 made under sections 144.291 to 144.298 or to furnish a complementary and alternative
2.31 health care client record or report required by law.

3.1 (n) Splitting fees or promising to pay a portion of a fee to any other professional other
3.2 than for services rendered by the other professional to the complementary and alternative
3.3 health care client.

3.4 (o) Engaging in abusive or fraudulent billing practices, including violations of the federal
3.5 Medicare and Medicaid laws or state medical assistance laws.

3.6 (p) Failure to make reports as required by section 146A.03 or cooperate with an
3.7 investigation of the office.

3.8 (q) Obtaining money, property, or services from a complementary and alternative health
3.9 care client, other than reasonable fees for services provided to the client, through the use
3.10 of undue influence, harassment, duress, deception, or fraud.

3.11 (r) Failure to provide a complementary and alternative health care client with a copy of
3.12 the client bill of rights or violation of any provision of the client bill of rights.

3.13 (s) Violating any order issued by the commissioner.

3.14 (t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules
3.15 adopted under those sections.

3.16 (u) Failure to comply with any additional disciplinary grounds established by the
3.17 commissioner by rule.

3.18 (v) Revocation, suspension, restriction, limitation, or other disciplinary action against
3.19 any health care license, certificate, registration, or right to practice of the unlicensed
3.20 complementary and alternative health care practitioner in this or another state or jurisdiction
3.21 for offenses that would be subject to disciplinary action in this state or failure to report to
3.22 the office that charges regarding the practitioner's license, certificate, registration, or right
3.23 of practice have been brought in this or another state or jurisdiction.

3.24 (w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any
3.25 other words, letters, or insignia to describe the complementary and alternative health care
3.26 practices the practitioner provides.

3.27 (x) Failure to provide a complementary and alternative health care client with a
3.28 recommendation that the client see a health care provider who is licensed or registered by
3.29 a health-related licensing board or the commissioner of health, if there is a reasonable
3.30 likelihood that the client needs to be seen by a licensed or registered health care provider.

3.31 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to violations
3.32 that occur on or after that date.

4.1 Sec. 2. Minnesota Statutes 2022, section 243.167, subdivision 1, is amended to read:

4.2 Subdivision 1. **Definition.** As used in this section, "crime against the person" means a
4.3 violation of any of the following or a similar law of another state or of the United States:
4.4 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;
4.5 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235;
4.6 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1
4.7 or 1b; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of
4.8 section 609.229; 609.377; 609.749; or 624.713.

4.9 **EFFECTIVE DATE.** This section is effective August 1, 2024.

4.10 Sec. 3. Minnesota Statutes 2023 Supplement, section 609.1095, subdivision 1, is amended
4.11 to read:

4.12 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
4.13 meanings given.

4.14 (b) "Conviction" means any of the following accepted and recorded by the court: a plea
4.15 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes
4.16 a conviction by any court in Minnesota or another jurisdiction.

4.17 (c) "Prior conviction" means a conviction that occurred before the offender committed
4.18 the next felony resulting in a conviction and before the offense for which the offender is
4.19 being sentenced under this section.

4.20 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
4.21 the following laws of this state or any similar laws of the United States or any other state:
4.22 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
4.23 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25;
4.24 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
4.25 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1 or 1b; 609.561;
4.26 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision
4.27 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is
4.28 punishable by a felony penalty; or any provision of chapter 152 that is punishable by a
4.29 maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

4.30 **EFFECTIVE DATE.** This section is effective August 1, 2024.