

1.1 A bill for an act

1.2 relating to higher education; amending postsecondary education provisions;
1.3 regulating course equivalency guides; requiring notice to prospective students;
1.4 requiring certain information be provided; providing for sale of American made
1.5 clothing; amending Minnesota Office of Higher Education responsibilities and
1.6 provisions; providing for a resident stating appeal; establishing programs;
1.7 defining terms; regulating grants, scholarships, and work-study; requiring an
1.8 annual certificate; regulating certain board and council membership provisions;
1.9 requiring job placement impact reviews; regulating state-owned facilities;
1.10 regulating dental therapists; establishing fees; providing criminal penalties;
1.11 requiring reports; regulating certain appropriations; establishing an account;
1.12 providing for proceeds of certain sale of property; appropriating money;
1.13 amending Minnesota Statutes 2008, sections 135A.08, subdivision 1; 135A.25,
1.14 subdivision 4; 136A.01, subdivision 2; 136A.06; 136A.08, subdivision 1,
1.15 by adding a subdivision; 136A.101, subdivision 4; 136A.121, subdivision
1.16 9, by adding subdivisions; 136A.127, subdivisions 2, 4, 9, 14, by adding
1.17 subdivisions; 136A.1701, subdivision 10; 136A.87; 136F.02, subdivision 1;
1.18 136F.03, subdivision 4; 136F.04, subdivision 4; 136F.045; 136F.46, subdivision
1.19 3; 137.0245, subdivision 2; 137.0246, subdivision 2; 137.025, subdivision
1.20 1; 150A.01, by adding subdivisions; 150A.05, subdivision 2, by adding a
1.21 subdivision; 150A.06, subdivisions 2d, 5, 6, by adding subdivisions; 150A.08,
1.22 subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3,
1.23 5, 8, 10; 150A.10, subdivisions 1, 2, 3, 4; 150A.11, subdivision 4; 150A.12;
1.24 150A.21, subdivisions 1, 4; 151.01, subdivision 23; 179A.03, subdivision 14;
1.25 299A.45, subdivision 1; 340A.404, subdivision 4a; proposing coding for new
1.26 law in Minnesota Statutes, chapters 135A; 136A; 136F; 137; 150A; repealing
1.27 Minnesota Statutes 2008, sections 136A.127, subdivisions 8, 12, 13; 150A.061.

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

1.29 **ARTICLE 1**

1.30 **HIGHER EDUCATION APPROPRIATIONS**

1.31 Section 1. **SUMMARY OF APPROPRIATIONS.**

1.32 Subdivision 1. **Summary By Fund.** The amounts shown in this subdivision
1.33 summarize direct appropriations, by fund, made in this article.

<u>SUMMARY BY FUND</u>			
	<u>2010</u>	<u>2011</u>	<u>Total</u>
2.3	<u>General</u>	\$ <u>1,426,422,000</u> \$	<u>1,532,467,000</u> \$ <u>2,958,889,000</u>
2.4	<u>Health Care Access</u>	<u>2,157,000</u>	<u>2,157,000</u> <u>4,314,000</u>
2.5	<u>Federal</u>	<u>137,943,000</u>	<u>0</u> <u>137,943,000</u>
2.6	<u>State Government Special</u>		
2.7	<u>Revenue</u>	<u>93,000</u>	<u>17,000</u> <u>110,000</u>
2.8	<u>Total</u>	\$ <u>1,566,615,000</u> \$	<u>1,534,641,000</u> \$ <u>3,101,256,000</u>

2.9 Subd. 2. Summary By Agency - All Funds. The amounts shown in this subdivision
 2.10 summarize direct appropriations, by agency, made in this article.

<u>SUMMARY BY AGENCY - ALL FUNDS</u>			
	<u>2010</u>	<u>2011</u>	<u>Total</u>
2.13	<u>Minnesota Office of Higher</u>		
2.14	<u>Education</u>	\$ <u>187,753,000</u> \$	<u>187,547,000</u> \$ <u>375,300,000</u>
2.15	<u>Mayo Medical Foundation</u>	<u>1,300,000</u>	<u>1,351,000</u> <u>2,651,000</u>
2.16	<u>Board of Trustees of the</u>		
2.17	<u>Minnesota State Colleges and</u>		
2.18	<u>Universities</u>	<u>677,845,000</u>	<u>666,258,000</u> <u>1,344,103,000</u>
2.19	<u>Board of Regents of the</u>		
2.20	<u>University of Minnesota</u>	<u>699,624,000</u>	<u>679,468,000</u> <u>1,379,092,000</u>
2.21	<u>Board of Dentistry</u>	<u>93,000</u>	<u>17,000</u> <u>110,000</u>
2.22	<u>Total</u>	\$ <u>1,566,615,000</u> \$	<u>1,534,641,000</u> \$ <u>3,101,256,000</u>

2.23 **Sec. 2. HIGHER EDUCATION APPROPRIATIONS.**

2.24 The sums shown in the columns marked "Appropriations" are appropriated to the
 2.25 agencies and for the purposes specified in this article. The appropriations are from the
 2.26 general fund, or another named fund, and are available for the fiscal years indicated
 2.27 for each purpose. The figures "2010" and "2011" used in this article mean that the
 2.28 appropriations listed under them are available for the fiscal year ending June 30, 2010, or
 2.29 June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal
 2.30 year 2011. "The biennium" is fiscal years 2010 and 2011.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2010</u>	<u>2011</u>

2.35 **Sec. 3. MINNESOTA OFFICE OF HIGHER**
 2.36 **EDUCATION**

2.37	<u>Subdivision 1. Total Appropriation</u>	\$ <u>187,753,000</u> \$	<u>187,547,000</u>
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3.1 The amounts that may be spent for each
3.2 purpose are specified in the following
3.3 subdivisions.

3.4 Subd. 2. State Grants 144,138,000 144,138,000

3.5 If the appropriation in this subdivision for
3.6 either year is insufficient, the appropriation
3.7 for the other year is available for it.

3.8 The legislature intends that the Office of
3.9 Higher Education make full grant awards in
3.10 each year of the biennium.

3.11 For the biennium, the tuition maximum
3.12 is \$10,488 in each year for students in
3.13 four-year programs, and \$5,808 for students
3.14 in two-year programs.

3.15 This appropriation sets the living and
3.16 miscellaneous expense allowance at \$7,000
3.17 each year.

3.18 Up to \$75,000 of this appropriation may be
3.19 used to complete computer programming
3.20 changes necessary to implement new
3.21 Minnesota Statutes, section 136A.121,
3.22 subdivision 9b.

3.23 Subd. 3. Safety Officers' Survivors 100,000 100,000

3.24 This appropriation is to provide educational
3.25 benefits under Minnesota Statutes, section
3.26 299A.45, to eligible dependent children and
3.27 to the spouses of public safety officers killed
3.28 in the line of duty.

3.29 If the appropriation in this subdivision for
3.30 either year is insufficient, the appropriation
3.31 for the other year is available for it.

3.32 Subd. 4. Child Care Grants 6,684,000 6,684,000

3.33 Subd. 5. State Work-Study 14,944,000 14,944,000

4.1	<u>Subd. 6. Achieve Scholarship Program</u>	<u>4,350,000</u>	<u>4,350,000</u>
4.2	<u>For scholarships under Minnesota Statutes,</u>		
4.3	<u>section 136A.127.</u>		
4.4	<u>Subd. 7. Indian Scholarships</u>	<u>2,000,000</u>	<u>2,000,000</u>
4.5	<u>The director must contract with at least one</u>		
4.6	<u>person with demonstrated competence in</u>		
4.7	<u>American Indian culture and residing in or</u>		
4.8	<u>near the city of Bemidji to assist students</u>		
4.9	<u>with the scholarships under Minnesota</u>		
4.10	<u>Statutes, section 136A.126, and with other</u>		
4.11	<u>information about financial aid for which</u>		
4.12	<u>the students may be eligible. Bemidji State</u>		
4.13	<u>University must provide office space at</u>		
4.14	<u>no cost to the Minnesota Office of Higher</u>		
4.15	<u>Education for purposes of administering the</u>		
4.16	<u>American Indian scholarship program under</u>		
4.17	<u>Minnesota Statutes, section 136A.126.</u>		
4.18	<u>Subd. 8. TEACH Program</u>	<u>250,000</u>	<u>250,000</u>
4.19	<u>For a grant under Minnesota Statutes, section</u>		
4.20	<u>136A.128.</u>		
4.21	<u>Subd. 9. Intervention for College Attendance</u>		
4.22	<u>Program Grants</u>	<u>746,000</u>	<u>746,000</u>
4.23	<u>For grants under Minnesota Statutes,</u>		
4.24	<u>section 136A.861. Up to \$50,000 of this</u>		
4.25	<u>appropriation each year may be used for</u>		
4.26	<u>administrative expenses.</u>		
4.27	<u>To provide continuity in program services</u>		
4.28	<u>and facilitate data collection that measures</u>		
4.29	<u>Intervention for College Attendance Program</u>		
4.30	<u>outcomes, the director must give priority in</u>		
4.31	<u>selecting grant recipients for the 2010-2011</u>		
4.32	<u>biennium to 2008-2009 grantees that provide</u>		
4.33	<u>up-to-date annual program participation and</u>		
4.34	<u>outcome data regarding their success in</u>		

5.1 increasing high school graduation, college
5.2 participation, and college graduation of
5.3 students served by the program; and other
5.4 information requested by the director.

5.5 Projects whose funding is renewed, must:

5.6 (1) retain an emphasis on enhancing
5.7 academic readiness for college attendance
5.8 and success in college for participants in
5.9 grades 6 to 12; or

5.10 (2) if the program's participants are college
5.11 students, document that they are providing
5.12 academic support services to participants
5.13 that ensure success in college.

5.14 Grantees must submit data to the director
5.15 about the number of students in the project's
5.16 service area that would be eligible for the
5.17 program, but are not being served and a plan
5.18 for providing services to those students.

5.19 In the report under Minnesota Statutes,
5.20 section 136A.861, the office must make
5.21 recommendations on which aspects of the
5.22 programs and services delivered through
5.23 grants under Minnesota Statutes, section
5.24 136A.861, are most effective in improving
5.25 college readiness and/or retention and have
5.26 the potential to be expanded to provide
5.27 services to a regional or statewide population.

5.28 Subd. 10. **Midwest Higher Education Compact** 95,000 95,000

5.29 Subd. 11. **Power of You** 1,000,000 1,000,000

5.30 For transfer to MnSCU for the existing
5.31 Power of You program and for pilot sites. A
5.32 onetime appropriation of \$500,000 each year
5.33 is for pilot sites.

6.1	<u>Subd. 12. Technical and Community College</u>		
6.2	<u>Emergency Grants</u>	<u>150,000</u>	<u>150,000</u>
6.3	<u>For transfer to the financial aid offices</u>		
6.4	<u>at each of the colleges of the Minnesota</u>		
6.5	<u>State Colleges and Universities to provide</u>		
6.6	<u>emergency aid grants to technical and</u>		
6.7	<u>community college students who are</u>		
6.8	<u>experiencing extraordinary economic</u>		
6.9	<u>circumstances that may result in the students</u>		
6.10	<u>dropping out of school without completing</u>		
6.11	<u>the term or their program.</u>		
6.12	<u>Subd. 13. Veterinary Loan Forgiveness</u>	<u>225,000</u>	
6.13	<u>For the large animal loan forgiveness</u>		
6.14	<u>program under Minnesota Statutes, section</u>		
6.15	<u>136A.1795. This appropriation is available</u>		
6.16	<u>until expended.</u>		
6.17	<u>Subd. 14. United Family Medicine Residency</u>		
6.18	<u>Program</u>	<u>448,000</u>	<u>467,000</u>
6.19	<u>For a grant to the United Family Medicine</u>		
6.20	<u>residency program. This appropriation</u>		
6.21	<u>shall be used to support up to 18 resident</u>		
6.22	<u>physicians each year in family practice at</u>		
6.23	<u>United Family Medicine residency programs</u>		
6.24	<u>and shall prepare doctors to practice family</u>		
6.25	<u>care medicine in underserved rural and</u>		
6.26	<u>urban areas of the state. It is intended</u>		
6.27	<u>that this program will improve health</u>		
6.28	<u>care in underserved communities, provide</u>		
6.29	<u>affordable access to appropriate medical</u>		
6.30	<u>care, and manage the treatment of patients in</u>		
6.31	<u>a cost-effective manner.</u>		
6.32	<u>Subd. 15. Interstate Tuition Reciprocity</u>	<u>2,750,000</u>	<u>2,750,000</u>
6.33	<u>If the appropriation in this subdivision for</u>		
6.34	<u>either year is insufficient, the appropriation</u>		

7.1 for the other year is available to meet
 7.2 reciprocity contract obligations.

7.3 The base funding for this program is
 7.4 \$3,150,000 in fiscal year 2012 and
 7.5 \$3,250,000 in fiscal year 2013.

7.6	<u>Subd. 16. Minnesota College Savings Plan</u>	<u>700,000</u>	<u>700,000</u>
7.7	<u>Subd. 17. MnLINK Gateway and Minitex</u>	<u>6,031,000</u>	<u>6,031,000</u>
7.8	<u>Subd. 18. Other Programs</u>	<u>357,000</u>	<u>357,000</u>

7.9 This appropriation includes \$125,000 each
 7.10 year for student and parent information,
 7.11 \$184,000 each year for the get ready outreach
 7.12 program, and \$48,000 each year for a
 7.13 grant to the Minnesota Minority Education
 7.14 Partnership.

7.15	<u>Subd. 19. Agency Administration</u>	<u>2,785,000</u>	<u>2,785,000</u>
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7.16 This appropriation includes \$100,000 each
 7.17 year to administer the Achieve Scholarship
 7.18 Program and \$75,000 each year to administer
 7.19 the Indian Scholarship Program.

7.20 Subd. 20. **Balances Forward**

7.21 A balance in the first year under this section
 7.22 does not cancel, but is available for the
 7.23 second year.

7.24 Subd. 21. **Transfers**

7.25 The Minnesota Office of Higher Education
 7.26 may transfer unencumbered balances from
 7.27 the appropriations in this section to the state
 7.28 grant appropriation, the interstate tuition
 7.29 reciprocity appropriation, the child care
 7.30 grant appropriation, the Indian scholarship
 7.31 appropriation, the state work-study
 7.32 appropriation, the achieve scholarship
 7.33 appropriation, the public safety officers'

9.1 may be used for modernization, renovation,
9.2 or repair of facilities that are primarily used
9.3 for instruction, research, or student housing
9.4 but may not be used for maintenance of
9.5 systems, equipment, or facilities. Amounts
9.6 in this subdivision must not be allocated
9.7 to modernization, renovation, or repair of
9.8 stadiums or other facilities primarily used
9.9 for athletic contests or exhibitions or other
9.10 events for which admission is charged to the
9.11 general public and must not be allocated to
9.12 any facility used for sectarian instruction or
9.13 religious worship or in which a substantial
9.14 portion of the functions of the facilities are
9.15 subsumed in a religious mission. No amount
9.16 from this appropriation may be allocated to
9.17 increase endowment funds.

9.18 (b) Appropriations under this subdivision
9.19 must be used as a bridge for budget
9.20 reductions in the biennium ending June 30,
9.21 2013. These appropriations may be used
9.22 for, but are not limited to the following
9.23 purposes: education and general expenses;
9.24 to retain faculty and staff jobs; to provide
9.25 severance and for early retirement incentives;
9.26 to mitigate the rising costs of attendance
9.27 through minimizing tuition increases; and
9.28 for the support of student employment
9.29 opportunities.

9.30 (c) The legislature intends that the
9.31 tuition increase for a Minnesota resident
9.32 undergraduate student in the Minnesota State
9.33 Colleges and Universities, must not exceed
9.34 five percent per year for the biennium ending
9.35 June 30, 2011. Federal stimulus money
9.36 under this subdivision must be used to buy

10.1 down the tuition increase to no more than
10.2 three percent per year for a net increase of
10.3 six percent.

10.4 (d) An additional \$15,273,000 is appropriated
10.5 in fiscal year 2009 from the fiscal stabilization
10.6 account in the federal fund.

10.7 **Subd. 3. Central Office and Shared Services**
10.8 **Unit**

47,328,000

47,328,000

10.9 For the Office of the Chancellor and the
10.10 Shared Services Division.

10.11 **Subd. 4. Operations and Maintenance**

561,824,000

614,130,000

10.12 (a) It is the intention of the legislature to
10.13 increase the amount of funding distributed
10.14 to colleges and universities through the
10.15 allocation model to provide direct support of
10.16 instruction and related functions necessary
10.17 to protect the core mission of educating
10.18 students.

10.19 (b) The Board of Trustees shall submit
10.20 expenditure reduction plans by March 15,
10.21 2010, to the committees of the legislature
10.22 with responsibility for higher education
10.23 finance to achieve the 2012-2013 base
10.24 established in this section at the central
10.25 office and at each institution. The plan
10.26 submitted by the board must be based on
10.27 plans developed at each institution detailing
10.28 reductions to achieve lower base allocations
10.29 at that institution. Each plan must focus on
10.30 protecting direct instruction.

10.31 (c) For the biennium ending June 30,
10.32 2011, expenditures under this subdivision
10.33 must not exceed \$40,000,000 for

11.1 technology initiatives, including technology
11.2 infrastructure improvements.

11.3 (d) \$40,000 each year is for the Cook
11.4 County Higher Education Board to provide
11.5 educational programs and academic support
11.6 services.

11.7 (e) \$1,000,000 each year is for the Northeast
11.8 Minnesota Higher Education District and
11.9 high schools in its area. Students from area
11.10 high schools may also access the facilities
11.11 and faculty of the Northeast Minnesota
11.12 Higher Education District for state-of-the-art
11.13 technical education opportunities, including
11.14 MnSCU's 2+2 Pathways initiative.

11.15 (f) \$225,000 each year is to enhance eFolio
11.16 Minnesota and for a center to provide on-site
11.17 and Internet-based support and technical
11.18 assistance to users of the state's eFolio
11.19 Minnesota system to promote workforce and
11.20 economic development and to enable access
11.21 to workforce information generated through
11.22 the eFolio Minnesota system.

11.23 (g) For fiscal years 2012 and 2013 the
11.24 base for operations and maintenance is
11.25 \$602,759,000 each year.

11.26 Subd. 5. **Learning Network of Minnesota** 4,800,000 4,800,000

11.27 Subd. 6. **System Improvements**

11.28 To increase efficiencies and equity for
11.29 faculty and staff, the Board of Trustees is
11.30 encouraged to place a priority on identifying
11.31 and implementing measures to improve
11.32 the human resources system used by the
11.33 Minnesota State Colleges and Universities.
11.34 One of the goals of improving the human

13.1 (e) This appropriation includes money for the
 13.2 Dakota language teacher training immersion
 13.3 program on the Twin Cities campus to
 13.4 prepare teachers to teach in Dakota language
 13.5 immersion programs.

13.6 (f) This appropriation includes money for the
 13.7 Veterinary Diagnostic Laboratory to preserve
 13.8 accreditation.

13.9 (g) This appropriation includes money in
 13.10 fiscal year 2010 for a onetime grant to the
 13.11 Minnesota Wildlife Rehabilitation Center for
 13.12 their uncompensated expenses.

13.13 (h) For fiscal years 2012 and 2013, the
 13.14 base for operations and maintenance is
 13.15 \$596,930,000 each year.

13.16 <u>Subd. 3. Primary Care Education Initiatives</u>	<u>2,157,000</u>	<u>2,157,000</u>
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13.17 This appropriation is from the health care
 13.18 access fund.

13.19 <u>Subd. 4. American Recovery and Reinvestment</u> 13.20 <u>Act of 2009</u>	<u>74,050,000</u>	<u>0</u>
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13.21 (a) This appropriation is from the fiscal
 13.22 stabilization account in the federal fund and
 13.23 may be used for modernization, renovation,
 13.24 or repair of facilities that are primarily used
 13.25 for instruction, research, or student housing
 13.26 but may not be used for maintenance of
 13.27 systems, equipment, or facilities. Amounts
 13.28 in this subdivision must not be allocated
 13.29 to modernization, renovation, or repair of
 13.30 stadiums or other facilities primarily used
 13.31 for athletic contests or exhibitions or other
 13.32 events for which admission is charged to the
 13.33 general public and must not be allocated to
 13.34 any facility used for sectarian instruction or
 13.35 religious worship or in which a substantial

14.1 portion of the functions of the facilities are
14.2 subsumed in a religious mission. No amount
14.3 from this appropriation may be allocated to
14.4 increase endowment funds.

14.5 (b) Appropriations under this subdivision
14.6 must be used as a bridge for budget
14.7 reductions in the biennium ending June 30,
14.8 2013. These appropriations may be used
14.9 for, but are not limited to the following
14.10 purposes: education and general expenses;
14.11 to retain faculty and staff jobs; to provide
14.12 severance and for early retirement incentives;
14.13 to mitigate the rising costs of attendance
14.14 through minimizing tuition increases; and
14.15 for the support of student employment
14.16 opportunities.

14.17 (c) The legislature intends that the net
14.18 tuition increase for a Minnesota resident
14.19 undergraduate student at the University of
14.20 Minnesota must not exceed \$300 per year
14.21 for the biennium ending June 30, 2011.

14.22 Appropriations of federal stimulus money
14.23 under this subdivision must be used toward
14.24 accomplishing this goal.

14.25 (d) An additional \$15,273,000 is appropriated
14.26 in fiscal year 2009 from the stabilization
14.27 account in the federal fund.

14.28 **Subd. 5. Special Appropriations**

14.29	<u>(a) Agriculture and Extension Service</u>	<u>52,255,000</u>	<u>52,255,000</u>
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14.30 (1) For the Agricultural Experiment Station
14.31 and the Minnesota Extension Service.
14.32 This appropriation includes the same
14.33 appropriation as in the biennium ending June
14.34 30, 2009, for bovine tuberculosis research.
14.35 This appropriation also includes the same

15.1 appropriation as in the biennium ending June
15.2 30, 2009, to promote alternative livestock
15.3 research and outreach, and for an ongoing
15.4 organic research and education program.

15.5 (2) The Agricultural Experiment Stations
15.6 and Minnesota Extension Service must
15.7 convene agricultural advisory groups to
15.8 focus research, education, and extension
15.9 activities on producer needs and implement
15.10 an outreach strategy that more effectively
15.11 and rapidly transfers research results and best
15.12 practices to producers throughout the state.

15.13 (3) This appropriation includes funding for
15.14 research and outreach on the production of
15.15 renewable energy from Minnesota biomass
15.16 resources, including agronomic crops, plant
15.17 and animal wastes, and native plants or trees.

15.18 The following areas should be prioritized and
15.19 carried out in consultation with Minnesota
15.20 producers, renewable energy, sustainable
15.21 agriculture, and bioenergy organizations:

15.22 (i) biofuel and other energy production from
15.23 perennial crops, small grains, row crops,
15.24 and forestry products in conjunction with
15.25 the Natural Resources Research Institute
15.26 (NRRI);

15.27 (ii) alternative bioenergy crops and cropping
15.28 systems; and

15.29 (iii) biofuel coproducts used for livestock
15.30 feed.

15.31 (4) This appropriation includes funding for
15.32 the college of food, agricultural, and natural
15.33 resources sciences to establish and maintain
15.34 a statewide organic research and education
15.35 initiative to provide leadership for organic

16.1 agronomic, horticultural, livestock, and food
16.2 systems research, education, and outreach
16.3 and for the purchase of state-of-the-art
16.4 laboratory, planting, tilling, harvesting, and
16.5 processing equipment necessary for this
16.6 project.

16.7 (5) This appropriation includes funding
16.8 for research efforts that demonstrate a
16.9 renewed emphasis on the needs of the state's
16.10 agriculture community. The following
16.11 areas should be prioritized and carried
16.12 out in consultation with Minnesota farm
16.13 organizations:

16.14 (i) vegetable crop research with priority for
16.15 extending the Minnesota vegetable growing
16.16 season;

16.17 (ii) fertilizer and soil fertility research and
16.18 development;

16.19 (iii) soil, groundwater, and surface water
16.20 conservation practices and contaminant
16.21 reduction research;

16.22 (iv) discovering and developing plant
16.23 varieties that use nutrients more efficiently;

16.24 (v) breeding and development of turf seed
16.25 and other biomass resources in all three
16.26 Minnesota biomes;

16.27 (vi) development of new disease-resistant
16.28 and pest-resistant varieties of turf and
16.29 agronomic crops;

16.30 (vii) utilizing plant and livestock cells to treat
16.31 and cure human diseases;

16.32 (viii) the development of dairy coproducts;

- 17.1 (ix) a rapid agricultural response fund for
17.2 current or emerging animal, plant, and insect
17.3 problems affecting production or food safety;
17.4 (x) crop pest and animal disease research;
17.5 (xi) developing animal agriculture that is
17.6 capable of sustainably feeding the world;
17.7 (xii) consumer food safety education and
17.8 outreach;
17.9 (xiii) programs to meet the research and
17.10 outreach needs of sustainable and organic
17.11 livestock and crop farmers; and
17.12 (xiv) alternative bioenergy crops and
17.13 cropping systems; and growing, harvesting,
17.14 and transporting biomass plant material.
17.15 (6) This appropriation includes funding for
17.16 analysis of ethanol production in Minnesota:
17.17 (i) water use trends as compared to other
17.18 industries and activities;
17.19 (ii) the carbon balance of ethanol production;
17.20 (iii) the effect of ethanol blending
17.21 requirements on transportation fuel prices;
17.22 and
17.23 (iv) the economic impacts of ethanol
17.24 production and use including such measures
17.25 as employment, economic output, and state
17.26 and local tax revenues.
17.27 (7) This appropriation may be used to retain
17.28 current faculty levels for poultry research
17.29 currently conducted at UMore Park, develop
17.30 and implement a dairy producer continuing
17.31 education program and for scoping a new
17.32 dairy research and teaching facility.

18.1	<u>(8) By February 1, 2011, the Board of</u>		
18.2	<u>Regents must submit a report to the</u>		
18.3	<u>legislative committees with responsibility</u>		
18.4	<u>for agriculture and higher education finance</u>		
18.5	<u>on the status and outcomes of research and</u>		
18.6	<u>initiatives funded in this paragraph.</u>		
18.7	<u>(b) Health Sciences</u>	<u>5,275,000</u>	<u>5,275,000</u>
18.8	<u>\$346,000 each year is to support up to 12</u>		
18.9	<u>resident physicians in the St. Cloud Hospital</u>		
18.10	<u>family practice residency program. The</u>		
18.11	<u>program must prepare doctors to practice</u>		
18.12	<u>primary care medicine in the rural areas of</u>		
18.13	<u>the state. The legislature intends this program</u>		
18.14	<u>to improve health care in rural communities,</u>		
18.15	<u>provide affordable access to appropriate</u>		
18.16	<u>medical care, and manage the treatment of</u>		
18.17	<u>patients in a more cost-effective manner.</u>		
18.18	<u>The remainder of this appropriation is for</u>		
18.19	<u>the rural physicians associates program, the</u>		
18.20	<u>Veterinary Diagnostic Laboratory, health</u>		
18.21	<u>sciences research, dental care, and the</u>		
18.22	<u>Biomedical Engineering Center.</u>		
18.23	<u>(c) Institute of Technology</u>	<u>1,387,000</u>	<u>1,387,000</u>
18.24	<u>For the Geological Survey and the talented</u>		
18.25	<u>youth mathematics program.</u>		
18.26	<u>(d) System Special</u>	<u>6,155,000</u>	<u>6,155,000</u>
18.27	<u>For general research, industrial relations</u>		
18.28	<u>education, Natural Resources Research</u>		
18.29	<u>Institute, Center for Urban and Regional</u>		
18.30	<u>Affairs, Bell Museum of Natural History, and</u>		
18.31	<u>the Humphrey exhibit.</u>		
18.32	<u>(e) University of Minnesota and Mayo</u>		
18.33	<u>Foundation Partnership</u>	<u>8,000,000</u>	<u>8,000,000</u>

19.1 For the direct and indirect expenses of the
19.2 collaborative research partnership between
19.3 the University of Minnesota and the Mayo
19.4 Foundation for research in biotechnology
19.5 and medical genomics. This appropriation
19.6 is available until expended. All parties to
19.7 the partnership and chairs of the senate
19.8 and house of representatives committees
19.9 responsible for higher education finance
19.10 must be consulted before the Board of
19.11 Regents reduces the amount allocated to the
19.12 partnership under this paragraph during the
19.13 biennium ending June 30, 2011. An annual
19.14 report on the expenditure of these funds must
19.15 be submitted to the governor and the chairs
19.16 of the senate and house of representatives
19.17 committees responsible for higher education
19.18 and economic development by June 30 of
19.19 each fiscal year.

19.20 **Subd. 6. Academic Health Center**

19.21 The appropriation for Academic Health
19.22 Center funding under Minnesota Statutes,
19.23 section 297F.10, is \$22,250,000 each year.

19.24 **Subd. 7. Human Cloning Prohibited**

19.25 An appropriation in this section must not be
19.26 used to either support human cloning or to
19.27 pay for any expenses incidental to human
19.28 cloning. For the purposes of this subdivision,
19.29 "cloning" means generating a genetically
19.30 identical copy of an organism at any stage
19.31 of development by combining an enucleated
19.32 egg and the nucleus of a somatic cell to make
19.33 an embryo.

19.34 **Subd. 8. NRRI Research**

21.1 This appropriation is from the state
21.2 government special revenue fund for the
21.3 purpose of licensing dental therapists. The
21.4 base appropriation of the Board of Dentistry
21.5 must be decreased by \$11,000 in fiscal year
21.6 2012 and \$11,000 in fiscal year 2013.

21.7 Sec. 8. **DEPARTMENT OF HEALTH**

21.8 The base appropriation for the Department
21.9 of Health from the state government special
21.10 revenue fund is increased by \$48,000 in
21.11 fiscal year 2012 and by \$141,000 in fiscal
21.12 year 2013 for the purpose of the evaluation
21.13 process for assessing the impact of dental
21.14 therapists. This appropriation must not be
21.15 added to the department's base after fiscal
21.16 year 2014.

21.17 **ARTICLE 2**

21.18 **RELATED HIGHER EDUCATION PROVISIONS**

21.19 Section 1. Minnesota Statutes 2008, section 135A.08, subdivision 1, is amended to
21.20 read:

21.21 Subdivision 1. **Course equivalency.** The Board of Regents of the University of
21.22 Minnesota and the Board of Trustees of the Minnesota State Colleges and Universities
21.23 shall develop and maintain course equivalency guides for use between institutions that
21.24 have a high frequency of transfer. The course equivalency guides must include information
21.25 on the course equivalency and awarding of credit for learning acquired as a result of
21.26 the successful completion of formal military courses and occupational training. Course
21.27 equivalency guides ~~shall~~ are not be required for vocational technical programs that have
21.28 not been divided into identifiable courses. The governing boards of private institutions
21.29 that grant associate and baccalaureate degrees and that have a high frequency of transfer
21.30 students are requested to participate in developing these guides.

21.31 Sec. 2. **[135A.157] NOTICE TO STUDENTS REGARDING POSSIBLE IMPACT**
21.32 **OF CRIMINAL RECORDS.**

22.1 (a) A public or private postsecondary educational institution located in this state
22.2 shall give notice under this section to each person accepted for admission to be a student at
22.3 the institution. This notice shall be given at or before the time of acceptance for admission
22.4 to the institution and at or before the time students select a major.

22.5 (b) A notice provided under this section must inform students that arrests, charges,
22.6 or convictions of criminal offenses may limit employment possibilities in specific careers
22.7 and occupations and may limit their ability to obtain federal, state, and other financial
22.8 aid, and must encourage students to investigate these possibilities. The notice must not
22.9 discourage students from applying for federal, state, or other financial aid.

22.10 (c) A postsecondary educational institution is not liable for failing to provide the
22.11 notice required by this section.

22.12 Sec. 3. Minnesota Statutes 2008, section 135A.25, subdivision 4, is amended to read:

22.13 Subd. 4. **Minnesota Office of Higher Education responsibilities.** ~~(a)~~ For private
22.14 postsecondary institutions, the Minnesota Office of Higher Education must develop
22.15 educational materials considering the recommendations by the Minnesota Office of Higher
22.16 Education and others and at least annually convene and sponsor meetings and workshops
22.17 and provide educational strategies for faculty, students, administrators, institutions, and
22.18 bookstores to inform all interested parties on strategies for reducing the costs of course
22.19 materials for students attending postsecondary institutions.

22.20 ~~(b) The Minnesota Office of Higher Education must identify methods to compile and~~
22.21 ~~distribute information on publishers that sell or distribute course material for classroom use~~
22.22 ~~in postsecondary institutions in a manner that meets the requirements and complies with~~
22.23 ~~subdivision 2. The Minnesota Office of Higher Education must also evaluate ways to make~~
22.24 ~~this information available for use by students and faculty in postsecondary institutions.~~

22.25 Sec. 4. **[135A.26] AMERICAN MADE CLOTHING IN COLLEGE**
22.26 **BOOKSTORES.**

22.27 To the extent possible, a bookstore located on the campus of a public college
22.28 or university in Minnesota must offer for sale clothing or articles of apparel that are
22.29 manufactured in the United States of America. The college or university must make a
22.30 report to the legislature on the results of efforts made to comply with this section.

22.31 Sec. 5. **[135A.61] HIGH SCHOOL-TO-COLLEGE DEVELOPMENTAL**
22.32 **TRANSITION PROGRAMS.**

23.1 Subdivision 1. High school-to-college developmental transition programs. All
23.2 public higher education systems and other higher education institutions in Minnesota
23.3 are encouraged to offer research-based high school-to-college developmental transition
23.4 programs to prepare students for college-level academic coursework. A program under
23.5 this section must, at a minimum, include instruction to develop the skills and abilities
23.6 necessary to be ready for college-level coursework when the student enrolls in a degree,
23.7 diploma, or certificate program and must address the academic skills identified as needing
23.8 improvement by a college readiness assessment completed by the student. A program
23.9 offered under this section must not constitute more than the equivalent of one semester of
23.10 full-time study occurring in the summer following high school graduation. The courses
23.11 completed in a program under this section must be identified on the student's transcript
23.12 with a unique identifier to distinguish it from other developmental education courses or
23.13 programs.

23.14 Subd. 2. High school-to-college developmental transition programs evaluation
23.15 report. (a) Institutions that offer a high school-to-college developmental transition
23.16 program and enroll students that receive a grant under section 136A.121, subdivision 9b,
23.17 must annually submit data and information about the services provided and program
23.18 outcomes to the director of the Office of Higher Education.

23.19 (b) The director must establish and convene a data working group to develop: (1) the
23.20 data methodology to be used in evaluating the effectiveness of the programs implemented
23.21 to improve the academic performance of participants, including the identification of
23.22 appropriate comparison groups; and (2) a timeline for institutions to submit data and
23.23 information to the director. The data working group must develop procedures that
23.24 ensure consistency in the data collected by each institution. Data group members must
23.25 have expertise in data collection processes and the delivery of academic programs to
23.26 students, and represent the types of institutions that offer a program under this section.
23.27 The data group must assist the director in analyzing and synthesizing institutional data
23.28 and information to be included in the evaluation report submitted to the legislature under
23.29 subdivision 3.

23.30 (c) Participating institutions must specify both program and student outcome goals
23.31 and the activities implemented to achieve the goals. The goals must be clearly stated and
23.32 measurable, and data collected must enable the director to verify the program has met the
23.33 outcome goals established for the program.

23.34 (d) The data and information submitted must include, at a minimum, the following:
23.35 (1) demographic information about program participants;
23.36 (2) names of the high schools from which the students graduated;

24.1 (3) the college readiness test used to determine the student was not ready for
24.2 college-level academic coursework;

24.3 (4) the academic content areas assessed and the scores received by the students on
24.4 the college readiness test;

24.5 (5) a description of the services, including any supplemental noncredit academic
24.6 support services, provided to students;

24.7 (6) data on the registration load, courses completed, and grades received by students;

24.8 (7) the retention of students from the term they participated in the program to the fall
24.9 term immediately following graduation from high school;

24.10 (8) information about the student's enrollment in subsequent terms; and

24.11 (9) other information specified by the director or the data group that facilitates the
24.12 evaluation process.

24.13 Subd. 3. **Report to legislature.** By March 15 of each year, beginning in 2011,
24.14 the director shall submit a report to the committees of the legislature with jurisdiction
24.15 over higher education finance and policy that evaluates the effectiveness of programs
24.16 in improving the academic performance of students who participated in the transition
24.17 programs.

24.18 Sec. 6. Minnesota Statutes 2008, section 136A.01, subdivision 2, is amended to read:

24.19 Subd. 2. **Responsibilities.** The Minnesota Office of Higher Education is responsible
24.20 for:

24.21 (1) necessary state level administration of financial aid programs, including
24.22 accounting, auditing, and disbursing state and federal financial aid funds, and reporting on
24.23 financial aid programs to the governor and the legislature;

24.24 (2) approval, registration, licensing, and financial aid eligibility of private collegiate
24.25 and career schools, under sections 136A.61 to 136A.71 and chapter 141;

24.26 (3) ~~administering the Learning Network of Minnesota;~~

24.27 ~~(4)~~ negotiating and administering reciprocity agreements;

24.28 ~~(5)~~ (4) publishing and distributing financial aid information and materials, and other
24.29 information and materials under section 136A.87, to students and parents;

24.30 ~~(6)~~ (5) collecting and maintaining student enrollment and financial aid data and
24.31 reporting data on students and postsecondary institutions to develop and implement a
24.32 process to measure and report on the effectiveness of postsecondary institutions;

24.33 ~~(7)~~ (6) administering the federal programs that affect students and institutions on a
24.34 statewide basis; and

25.1 ~~(8)~~ (7) prescribing policies, procedures, and rules under chapter 14 necessary to
25.2 administer the programs under its supervision.

25.3 Sec. 7. Minnesota Statutes 2008, section 136A.06, is amended to read:

25.4 **136A.06 FEDERAL FUNDS.**

25.5 The Minnesota Office of Higher Education is designated the state agency to apply
25.6 for, receive, accept, and disburse to both public and private institutions of higher education
25.7 all federal funds which are allocated to the state of Minnesota to support higher education
25.8 programs, construction, or other activities and which require administration by a state
25.9 higher education agency under the Higher Education Facilities Act of 1963, and any
25.10 amendments thereof, the Higher Education Act of 1965, and any amendments thereof, and
25.11 any other law which provides funds for higher education and requires administration by a
25.12 state higher education agency as enacted or may be enacted by the Congress of the United
25.13 States; provided that no commitment shall be made that shall bind the legislature to make
25.14 appropriations beyond current allocations of funds. The office may apply for, receive,
25.15 accept, and disburse all administrative funds available to the office for administering
25.16 federal funds to support higher education programs, construction, or other activities. The
25.17 office also may apply for, receive, accept, and disburse any research, planning, or program
25.18 funds which are available for purposes consistent with the provisions of this chapter. In
25.19 making application for and administering federal funds the office may comply with any
25.20 and all requirements of federal law and federal rules and regulations to enable it to receive
25.21 and accept such funds. The expenditure of any such funds received shall be governed by
25.22 the laws of the state, except insofar as federal regulations may otherwise provide. The
25.23 office may contract with both public and private institutions in administering federal
25.24 funds, and such contracts shall not be subject to the provisions of chapter 16C. All such
25.25 money received by the office shall be deposited in the state treasury and, subject to section
25.26 3.3005, are hereby appropriated to it annually for the purpose for which such funds are
25.27 received. None of such moneys shall cancel but shall be available until expended.

25.28 Sec. 8. Minnesota Statutes 2008, section 136A.08, subdivision 1, is amended to read:

25.29 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
25.30 have the meanings given them.

25.31 (b) "Province" and "provincial" mean the Canadian province of Manitoba.

25.32 (c) "Resident of this state" means a resident student as defined in section 136A.101,
25.33 subdivision 8.

26.1 Sec. 9. Minnesota Statutes 2008, section 136A.08, is amended by adding a subdivision
26.2 to read:

26.3 Subd. 9. **Appeal; resident status.** A student who does not meet the definition of
26.4 resident after residing in Minnesota for 12 months may appeal to the director by providing
26.5 documentation on the student's reasons for residing in Minnesota. The director may
26.6 grant resident status for the purpose of this section to the student upon determining the
26.7 documentation establishes that postsecondary education was not the student's principal
26.8 reason for residing in Minnesota.

26.9 Sec. 10. Minnesota Statutes 2008, section 136A.101, subdivision 4, is amended to read:

26.10 Subd. 4. **Eligible institution.** "Eligible institution" means a postsecondary
26.11 educational institution located in this state or in a state with which the office has entered
26.12 into a higher education reciprocity agreement on state student aid programs that (1) is
26.13 operated by this state or the Board of Regents of the University of Minnesota, or (2)
26.14 is operated privately and, as determined by the office, meets all of the following: (i)
26.15 maintains academic standards substantially equivalent to those of comparable institutions
26.16 operated in this state; (ii) is licensed or registered as a postsecondary institution by the
26.17 office or another state agency; and (iii) by July 1, ~~2011~~ 2013, is participating in the federal
26.18 Pell Grant program under Title IV of the Higher Education Act of 1965, as amended.

26.19 Sec. 11. **[136A.1201] MINNESOTA PROMISE.**

26.20 Subdivision 1. **Financial aid policy.** It is the policy of the legislature to provide
26.21 sufficient financial aid funding so that tuition and required fees to attend a public two-year
26.22 college for a student from a low-income family are covered by state financial aid when
26.23 combined with federal and other sources of aid.

26.24 Subd. 2. **Informational materials.** The Office of Higher Education must prepare
26.25 and distribute materials under section 136A.87 to promote the Minnesota Promise, the
26.26 availability of financial aid, and the benefits of higher education.

26.27 Sec. 12. Minnesota Statutes 2008, section 136A.121, subdivision 9, is amended to read:

26.28 Subd. 9. **Awards.** An undergraduate student who meets the office's requirements
26.29 is eligible to apply for and receive a grant in any year of undergraduate study unless the
26.30 student has obtained a baccalaureate degree or previously has been enrolled full time or
26.31 the equivalent for ~~eight~~ nine semesters or the equivalent, excluding courses taken from a
26.32 Minnesota school or postsecondary institution which is not participating in the state grant
26.33 program and from which a student transferred no credit. A student who withdraws from

27.1 enrollment for active military service, or for a major illness, while under the care of a
27.2 medical professional, that substantially limits the student's ability to complete the term is
27.3 entitled to an additional semester or the equivalent of grant eligibility. A student enrolled
27.4 in a two-year program at a four-year institution is only eligible for the tuition and fee
27.5 maximums established by law for two-year institutions.

27.6 Sec. 13. Minnesota Statutes 2008, section 136A.121, is amended by adding a
27.7 subdivision to read:

27.8 **Subd. 9b. Onetime grant for high school-to-college developmental transition**
27.9 **program.** (a) A student who enrolls in a program under section 135A.61 is eligible for
27.10 a onetime grant to help pay expenses to attend the program. The amount of the grant
27.11 must be determined according to subdivision 5, except as modified by paragraph (b).
27.12 The requirement in subdivision 9a that subtracts a federal Pell Grant award for which a
27.13 student would be eligible, even if the student has exhausted the federal Pell Grant award,
27.14 does not apply to a student who receives a grant under this subdivision in the award
27.15 year in which the grant is received. The maximum grant under this subdivision must be
27.16 reduced by the average amount a student would earn working in an on-campus work-study
27.17 position for ten hours per week during a summer term. The office must determine an
27.18 amount for student earnings in a summer term, using available data about earnings, before
27.19 determining the amount awarded under this subdivision.

27.20 (b) For a student with an expected family contribution of zero, the maximum amount
27.21 of the grant is the cost of attendance under subdivision 6.

27.22 (c) A grant under this subdivision counts as one of the nine semesters of eligibility
27.23 under subdivision 9. A grant under this subdivision must not be awarded for the same
27.24 term for which another grant is awarded under this section.

27.25 **EFFECTIVE DATE.** This section is effective for students who graduate from high
27.26 school after December 31, 2009.

27.27 Sec. 14. Minnesota Statutes 2008, section 136A.121, is amended by adding a
27.28 subdivision to read:

27.29 **Subd. 12a. Free application for Federal Student Aid (FAFSA) compliance.** All
27.30 eligible institutions must implement policies and procedures that ensure that applicants are
27.31 aware that they must annually complete the FAFSA to be eligible for financial aid.

27.32 Sec. 15. Minnesota Statutes 2008, section 136A.127, subdivision 2, is amended to read:

28.1 Subd. 2. **Definition; qualifying program.** For the purposes of this section, a
28.2 "qualifying program" means a rigorous secondary school program of study defined by
28.3 the Department of Education under agreement with the Secretary of Education for the
28.4 purposes of determining eligibility for the federal Academic Competitiveness Grant
28.5 Program under Title IV of the Higher Education Act of 1965, as amended. If a qualifying
28.6 program includes a foreign language requirement, the foreign language requirement is
28.7 waived for a student whose first language is not English and who attains English language
28.8 proficiency.

28.9 **EFFECTIVE DATE.** This section is effective the day following final enactment
28.10 and applies to students who graduate on or after January 1, 2009.

28.11 Sec. 16. Minnesota Statutes 2008, section 136A.127, subdivision 4, is amended to read:

28.12 Subd. 4. **Student eligibility.** To be eligible to receive a scholarship under this
28.13 section, in addition to the requirements listed under section 136A.121, a student must:

28.14 (1) submit a Free Application for Federal Student Aid (FAFSA);

28.15 (2) ~~take and receive at least a grade of C for courses that comprise a rigorous~~
28.16 ~~secondary school~~ complete a qualifying program of study in a high school or in a
28.17 home-school setting under section 120A.22, ~~and~~ graduate from a Minnesota high school,
28.18 and graduate with an unweighted grade point average of 2.5 or higher;

28.19 (3) ~~have a family adjusted gross income of less than \$75,000 in the last complete~~
28.20 ~~calendar year prior to the academic year of postsecondary attendance in which the~~
28.21 ~~scholarship is used~~ qualify for a federal Pell Grant or state grant under section 136A.121;

28.22 (4) be a United States citizen or eligible noncitizen, as defined in section 484 of the
28.23 Higher Education Act, United States Code, title 20, sections 1091 et seq., as amended,
28.24 and Code of Federal Regulations, title 34, section 668.33;

28.25 (5) be a Minnesota resident, as defined in section 136A.101, subdivision 8; and

28.26 (6) ~~be enrolled for at least three credits per quarter or semester or the equivalent~~
28.27 enroll full-time in a degree, diploma, or certificate program during the academic year
28.28 immediately following high school graduation at an eligible institution as defined under
28.29 section 136A.101, subdivision 4.

28.30 Sec. 17. Minnesota Statutes 2008, section 136A.127, subdivision 9, is amended to read:

28.31 Subd. 9. **Scholarship awards.** ~~A student may not receive more than \$1,200 in~~
28.32 ~~Minnesota achieve scholarships, which must be for enrollment during the four-year~~
28.33 ~~availability period described in subdivision 12.~~ The amount of the scholarship is equal
28.34 to the maximum assigned student responsibility for a four-year program, as defined in

29.1 section 136A.121, subdivision 5, minus the assigned family responsibility as defined in
29.2 section 136A.101, subdivision 5a, multiplied by 0.50. The minimum scholarship is \$1,200
29.3 per academic year based on the institution's academic calendar and the student's continued
29.4 eligibility. The ~~scholarship~~ scholarship may be used to pay for qualifying expenses at
29.5 eligible institutions.

29.6 Sec. 18. Minnesota Statutes 2008, section 136A.127, is amended by adding a
29.7 subdivision to read:

29.8 Subd. 9b. **Additional award for online course completion.** An eligible student
29.9 who has completed at least one online course while in high school or in a home-school
29.10 setting under section 120A.22 may receive an additional award of up to \$150 to be used
29.11 in conjunction with the award in subdivision 9. The additional award is available to
29.12 new applicants for terms of enrollment beginning on or after July 1, 2009. The online
29.13 course must be offered by a provider certified by the Minnesota Department of Education
29.14 under section 124D.095 or by an eligible postsecondary institution as defined under
29.15 section 136A.101, subdivision 4. If the official high school transcript is not sufficient to
29.16 document the completion of the online course, the student may be required to submit
29.17 further documentation as required by the office.

29.18 Sec. 19. Minnesota Statutes 2008, section 136A.127, is amended by adding a
29.19 subdivision to read:

29.20 Subd. 10a. **Student investment.** A student investment is required in an amount
29.21 equal to the remainder of the assigned student responsibility as defined in section
29.22 136A.121, subdivision 5, after deducting the Achieve Scholarship.

29.23 **EFFECTIVE DATE.** This section is effective the day following final enactment
29.24 and applies to students who graduate on or after January 1, 2009.

29.25 Sec. 20. Minnesota Statutes 2008, section 136A.127, subdivision 14, is amended to
29.26 read:

29.27 Subd. 14. **Evaluation report.** By January 15 of each odd-numbered year, the
29.28 Office of Higher Education shall submit a report, to the committees of the legislature with
29.29 jurisdiction over higher education finance and policy, regarding the ~~success of the program~~
29.30 ~~in increasing the enrollment of students in rigorous high school courses~~, including, at a
29.31 minimum, the following information:

29.32 (1) the demographics of individuals participating in the program;

- 30.1 (2) ~~the grades scholarship recipients received for courses in the qualifying program~~
30.2 ~~under subdivision 2;~~
- 30.3 ~~(3)~~ the number of scholarship recipients who persisted at a postsecondary institution
30.4 for a second year;
- 30.5 ~~(4)~~ (3) the high schools attended by the program participants;
- 30.6 ~~(5)~~ (4) the postsecondary institutions attended by the program participants;
- 30.7 ~~(6)~~ (5) the academic performance of the students after enrolling in a postsecondary
30.8 institution; and
- 30.9 ~~(7)~~ (6) other information as ~~identified~~ determined by the director.

30.10 Sec. 21. Minnesota Statutes 2008, section 136A.1701, subdivision 10, is amended to
30.11 read:

30.12 Subd. 10. **Prohibition on use of state money.** Except as provided in section
30.13 136A.1787, paragraph (a), no money originating from state sources in the state treasury
30.14 shall be made available for student loans under this section and all student loans shall be
30.15 made from money originating from nonstate sources.

30.16 Sec. 22. **[136A.1787] SELF LOAN REVENUE BONDS ANNUAL CERTIFICATE**
30.17 **OF NEED.**

30.18 (a) In order to ensure the payment of the principal of and interest on bonds and
30.19 notes of the office and the continued maintenance of the loan capital fund under section
30.20 136A.1785, the office shall annually determine and certify to the governor, on or before
30.21 December 1, the amount, if any:

30.22 (1) needed to restore the loan capital fund to the minimum amount required by a
30.23 resolution or indenture relating to any bonds or notes of the office, not exceeding the
30.24 maximum amount of principal and interest to become due and payable in any subsequent
30.25 year on all bonds or notes which are then outstanding;

30.26 (2) determined by the office to be needed in the immediately ensuing fiscal year, with
30.27 other funds pledged and estimated to be received during that year, for the payment of the
30.28 principal and interest due and payable in that year on all outstanding bonds and notes; and

30.29 (3) needed to restore any debt service reserve fund securing any outstanding bonds
30.30 or notes of the office to the amount required in a resolution or indenture relating to such
30.31 outstanding bonds or notes.

30.32 (b) The governor shall include and submit the amounts certified by the office in
30.33 accordance with this section to the legislature in the governor's budget for the following

31.1 fiscal year, or in a governor's supplemental budget if the regular budget for that year has
31.2 previously been approved.

31.3 Sec. 23. [136A.1795] LARGE ANIMAL VETERINARIAN LOAN
31.4 FORGIVENESS PROGRAM.

31.5 Subdivision 1. Definitions. (a) For purposes of this section, the following terms
31.6 have the meanings given.

31.7 (b) "Veterinarian" means an individual who has been awarded a doctor of veterinary
31.8 medicine degree from the College of Veterinary Medicine, University of Minnesota.

31.9 (c) "Designated rural area" means an area in Minnesota outside the counties of
31.10 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, excluding the cities of
31.11 Duluth, Mankato, Moorhead, Rochester, and St. Cloud.

31.12 (d) "Emergency circumstances" means those conditions that make it impossible for
31.13 the participant to fulfill the service commitment, including death, total and permanent
31.14 disability, or temporary disability lasting more than two years.

31.15 (e) "Qualified educational loan" means a government, commercial, or foundation
31.16 loan for actual costs paid for tuition, reasonable education expenses, and reasonable living
31.17 expenses related to the education of a veterinarian.

31.18 Subd. 2. Establishment; administration. (a) The director of the Minnesota Office
31.19 of Higher Education shall establish and administer a loan forgiveness program for large
31.20 animal veterinarians who:

31.21 (1) agree to practice in designated rural areas that are considered underserved; and

31.22 (2) work full time in a practice that is at least 50 percent involved with the care of
31.23 food animals.

31.24 (b) Appropriations made to the program do not cancel and are available until
31.25 expended.

31.26 Subd. 3. Eligibility. (a) To be eligible to participate in the loan forgiveness program,
31.27 an individual must:

31.28 (1) be a veterinarian who has been awarded a veterinary medicine degree within
31.29 three years of submitting an application under this section, or be enrolled in the
31.30 veterinarian degree program and making satisfactory progress in the College of Veterinary
31.31 Medicine, University of Minnesota; and

31.32 (2) submit an application to the director of the Minnesota Office of Higher Education
31.33 in the form and manner prescribed by the director.

31.34 (b) An applicant selected to participate must sign a contract agreeing to complete a
31.35 five-year service obligation to practice as required under subdivision 2, paragraph (a).

32.1 Subd. 4. **Loan forgiveness.** (a) The director of the Minnesota Office of Higher
32.2 Education may select a maximum of five applicants each year for participation in the loan
32.3 forgiveness program, within the limits of available funding. Applicants are responsible for
32.4 securing their own qualified educational loans.

32.5 (b) The director must select participants based on their suitability for practice serving
32.6 the designated rural area, as indicated by experience or training. The director must give
32.7 preference to applicants closest to completing their training.

32.8 (c) The director must make annual disbursements directly to the participant of
32.9 \$15,000 or the balance of the participant's qualifying educational loans, whichever is less,
32.10 for each year that a participant meets the service obligation required under subdivision 3,
32.11 paragraph (b), up to a maximum of five years.

32.12 (d) Before receiving loan repayment disbursements and as requested, the participant
32.13 must complete and return to the director an affidavit of practice form provided by the
32.14 director verifying that the participant is practicing as required under subdivision 2,
32.15 paragraph (a). The participant must provide the director with verification that the full
32.16 amount of loan repayment disbursement received by the participant has been applied
32.17 toward the designated loans. After each disbursement, verification must be received by
32.18 the director and approved before the next loan repayment disbursement is made.

32.19 (e) Participants who move their practice remain eligible for loan repayment as long
32.20 as they practice as required under subdivision 2, paragraph (a).

32.21 Subd. 5. **Penalty for nonfulfillment.** If a participant does not fulfill the required
32.22 minimum commitment of service required under subdivision 3, paragraph (b), the director
32.23 of the Minnesota Office of Higher Education must collect from the participant the total
32.24 amount paid to the participant under the loan forgiveness program plus interest at a rate
32.25 established according to section 270C.40. The director must deposit the money collected
32.26 in the state general fund. The director must allow waivers of all or part of the money owed
32.27 the director as a result of a nonfulfillment penalty if emergency circumstances prevented
32.28 fulfillment of the service obligation.

32.29 Subd. 6. **Rules.** The director may adopt rules to implement this section.

32.30 Sec. 24. Minnesota Statutes 2008, section 136A.87, is amended to read:

32.31 **136A.87 PLANNING INFORMATION FOR POSTSECONDARY**
32.32 **EDUCATION.**

32.33 The office shall make available to all residents ~~from 8th~~ beginning in 7th grade
32.34 through adulthood information about planning and preparing for postsecondary
32.35 opportunities. Information must be provided to all ~~8th~~ 7th grade students and their parents

33.1 annually by January 1 of each year ~~September 30~~ about the need to plan ~~the need to plan~~ planning for
33.2 their postsecondary education. The office may also provide information to high school
33.3 students and their parents, to adults, and to out-of-school youth. The information provided
33.4 may include the following:

33.5 (1) the need to start planning early;

33.6 (2) the availability of assistance in educational planning from educational institutions
33.7 and other organizations;

33.8 (3) suggestions for studying effectively during high school;

33.9 (4) high school courses necessary to be adequately prepared for postsecondary
33.10 education;

33.11 (5) encouragement to involve parents actively in planning for all phases of education;

33.12 (6) information about ~~post-high school~~ postsecondary education and training
33.13 opportunities existing in the state, their respective missions and expectations for students,
33.14 their preparation requirements, admission requirements, and student placement;

33.15 (7) ways to evaluate and select postsecondary institutions;

33.16 (8) the process of transferring credits among Minnesota postsecondary institutions
33.17 and systems;

33.18 (9) the costs of postsecondary education and the availability of financial assistance
33.19 in meeting these costs, including specific information about the Minnesota promise and
33.20 achieve scholarship program;

33.21 (10) the interrelationship of assistance from student financial aid, public assistance,
33.22 and job training programs; and

33.23 (11) financial planning for postsecondary education ~~beyond high school~~.

33.24 Sec. 25. Minnesota Statutes 2008, section 136F.02, subdivision 1, is amended to read:

33.25 Subdivision 1. **Membership.** The board consists of 15 members appointed by the
33.26 governor, including three members who are students who have attended an institution for
33.27 at least one year and are currently enrolled at least half time in a degree, diploma, or
33.28 certificate program in an institution governed by the board. The student members shall
33.29 include one member from a community college, one member from a state university, and
33.30 one member from a technical college. One member representing labor must be appointed
33.31 after considering the recommendations made under section 136F.045. The governor
33.32 is not bound by the recommendations. Appointments to the board are with the advice
33.33 and consent of the senate. At least one member of the board must be a resident of each
33.34 congressional district. All other members must be appointed to represent the state at large.
33.35 In selecting appointees, the governor must consider the needs of the board of trustees and

34.1 the balance of the board membership with respect to labor and business representation
34.2 and racial, gender, geographic, and ethnic composition.

34.3 A commissioner of a state agency may not serve as a member of the board.

34.4 **EFFECTIVE DATE.** This section is effective the day following final enactment,
34.5 except that a commissioner serving on the board of trustees on the effective date may
34.6 continue to serve for the remainder of a current term of appointment to the board.

34.7 Sec. 26. Minnesota Statutes 2008, section 136F.03, subdivision 4, is amended to read:

34.8 Subd. 4. **Recommendations.** Except for seats filled under sections 136F.04 and
34.9 136F.045, the advisory council shall recommend at least two and not more than four
34.10 candidates for each seat. By April 15 of each even-numbered year in which the governor
34.11 makes appointments to the board, the advisory council shall submit its recommendations
34.12 to the governor and to the chairs and ranking minority members of the legislative
34.13 committees with primary jurisdiction over higher education policy and finance. The
34.14 governor is not bound by these recommendations.

34.15 Sec. 27. Minnesota Statutes 2008, section 136F.04, subdivision 4, is amended to read:

34.16 Subd. 4. **Recommendations.** Each student association shall recommend at least two
34.17 and not more than four candidates for its student member. By April 15 of the year in which
34.18 its members' term expires, each student association shall submit its recommendations to
34.19 the governor and to the chairs and ranking minority members of the legislative committees
34.20 with primary jurisdiction over higher education policy and finance. The governor is not
34.21 bound by these recommendations.

34.22 Sec. 28. Minnesota Statutes 2008, section 136F.045, is amended to read:

34.23 **136F.045 LABOR ORGANIZATION BOARD MEMBER SELECTION**
34.24 **PROCESS.**

34.25 The Minnesota AFL-CIO shall recruit and screen qualified labor candidates to
34.26 be recommended to the governor for appointment to the board. The organization must
34.27 develop a process for selecting candidates, and a statement of selection criteria for board
34.28 membership that is consistent with the requirements under section 136F.02, subdivision 1.
34.29 The organization must recommend at least two and no more than four candidates to the
34.30 governor beginning in 2010 and every six years thereafter. Recommendations must be
34.31 made to the governor and to the chairs and ranking minority members of the legislative
34.32 committees with primary jurisdiction over higher education policy and finance by April 15

35.1 of the year in which the governor makes appointments to the board. The governor is not
35.2 bound by the recommendations.

35.3 Sec. 29. [136F.37] JOB PLACEMENT IMPACT ON PROGRAM REVIEW;
35.4 INFORMATION TO STUDENTS.

35.5 The board must assess labor market data when conducting college program reviews.
35.6 Colleges must provide prospective students with the job placement rate for graduates of
35.7 technical and occupational programs offered at the colleges.

35.8 Sec. 30. Minnesota Statutes 2008, section 136F.46, subdivision 3, is amended to read:

35.9 Subd. 3. **Solicitation.** Efforts to secure payroll deductions authorized in subdivision
35.10 1 may not interfere with, require a modification of, nor be conducted during the period of
35.11 a payroll deduction fund drive for employees authorized by section ~~309.50~~ 43A.50.

35.12 Sec. 31. [137.0225] UNIVERSITY SCHOLARSHIP.

35.13 The Board of Regents may establish a scholarship to help offset the impact of
35.14 rising tuition for Minnesota students from middle-income families. To be eligible for a
35.15 scholarship under this section, a student must be a Minnesota resident undergraduate
35.16 from a family that is not Pell eligible with an annual adjusted gross income not to exceed
35.17 \$100,000.

35.18 Sec. 32. Minnesota Statutes 2008, section 137.0245, subdivision 2, is amended to read:

35.19 Subd. 2. **Membership.** The Regent Candidate Advisory Council shall consist of
35.20 24 members. Twelve members shall be appointed by the Subcommittee on Committees
35.21 of the Committee on Rules and Administration of the senate. Twelve members shall
35.22 be appointed by the speaker of the house. Each appointing authority must appoint one
35.23 member who is a student enrolled in a degree program at the University of Minnesota at
35.24 the time of appointment. No more than one-third of the members appointed by each
35.25 appointing authority may be current or former legislators. No more than two-thirds of the
35.26 members appointed by each appointing authority may belong to the same political party;
35.27 however, political activity or affiliation is not required for the appointment of any member.
35.28 Geographical representation must be taken into consideration when making appointments.
35.29 Section 15.0575 shall govern the advisory council, except that:

35.30 (1) the members shall be appointed to six-year terms with one-third appointed each
35.31 even-numbered year; and

36.1 (2) student members are appointed to two-year terms with two students appointed
36.2 each even-numbered year.

36.3 A member may not serve more than two full terms.

36.4 **EFFECTIVE DATE.** This section is effective the day following final enactment
36.5 and applies to members serving on the council on that date, although those members may
36.6 serve out the remainder of their current terms.

36.7 Sec. 33. Minnesota Statutes 2008, section 137.0246, subdivision 2, is amended to read:

36.8 Subd. 2. **Regent nomination joint committee.** (a) The joint legislative committee
36.9 consists of the members of the higher education budget and policy divisions in each house
36.10 of the legislature. The chairs of the divisions from each body shall be cochairs of the
36.11 joint legislative committee. A majority of the members from each house is a quorum of
36.12 the joint committee.

36.13 (b) By February 28 of each odd-numbered year, or at a date agreed to by concurrent
36.14 resolution, the joint legislative committee shall meet to consider the advisory council's
36.15 recommendations for regent of the University of Minnesota for possible presentation to a
36.16 joint convention of the legislature.

36.17 (c) The joint committee may recommend to the joint convention candidates
36.18 recommended by the advisory council and the other candidates nominated by the joint
36.19 committee. A candidate other than those recommended by the advisory council may be
36.20 nominated for consideration by the joint committee only if the nomination receives the
36.21 support of at least three house of representatives members of the committee and two
36.22 senate members of the committee. A candidate must receive a majority vote of members
36.23 from the house of representatives and from the senate on the joint committee to be
36.24 recommended to the joint convention. The joint committee may recommend no more than
36.25 one candidate for each vacancy. In recommending nominees, the joint committee must
36.26 consider the needs of the board of regents and the balance of the board membership with
36.27 respect to gender, racial, and ethnic composition.

36.28 ~~(d) The joint committee must meet twice, approximately one week apart. The first~~
36.29 ~~meeting is for the purpose of interviewing candidates and recommending candidates for~~
36.30 ~~the joint committee to consider. The second meeting is for the purpose of voting for~~
36.31 ~~candidates for recommendation to the joint convention.~~

36.32 Sec. 34. Minnesota Statutes 2008, section 137.025, subdivision 1, is amended to read:

36.33 Subdivision 1. **Appropriations not for buildings.** The commissioner of finance
36.34 shall pay ~~no money to the University of Minnesota pursuant to a direct appropriation, other~~

37.1 ~~than an appropriation for buildings, until the university first certifies to the commissioner~~
37.2 ~~of finance that its aggregate balances in the temporary investment pool, cash, or separate~~
37.3 ~~investments, resulting from all state maintenance and special appropriations do not~~
37.4 ~~exceed \$7,000,000, or any other amount specified in the act making the appropriation,~~
37.5 ~~plus one-third of all tuition and fee payments from the previous fiscal year. Upon this~~
37.6 ~~certification, 1/12 of the annual appropriation to the university shall be paid at the~~
37.7 ~~beginning University of Minnesota on the 21st day of each month. Additional payments~~
37.8 ~~shall be made by the commissioner of finance whenever the state appropriations and~~
37.9 ~~tuition aggregate balances in the temporary investment pool, cash, or separate investments~~
37.10 ~~are reduced below the indicated levels. If the 21st day of the month falls on a Saturday~~
37.11 ~~or Sunday, the monthly payment must be made on the first business day immediately~~
37.12 ~~following the 21st day of the month.~~

37.13 Sec. 35. Minnesota Statutes 2008, section 179A.03, subdivision 14, is amended to read:

37.14 Subd. 14. **Public employee or employee.** "Public employee" or "employee" means
37.15 any person appointed or employed by a public employer except:

37.16 (a) elected public officials;

37.17 (b) election officers;

37.18 (c) commissioned or enlisted personnel of the Minnesota National Guard;

37.19 (d) emergency employees who are employed for emergency work caused by natural
37.20 disaster;

37.21 (e) part-time employees whose service does not exceed the lesser of 14 hours per
37.22 week or 35 percent of the normal work week in the employee's appropriate unit;

37.23 (f) employees whose positions are basically temporary or seasonal in character and:

37.24 (1) are not for more than 67 working days in any calendar year; or (2) are not for more
37.25 than 100 working days in any calendar year and the employees are under the age of 22, are
37.26 full-time students enrolled in a nonprofit or public educational institution prior to being
37.27 hired by the employer, and have indicated, either in an application for employment or by
37.28 being enrolled at an educational institution for the next academic year or term, an intention
37.29 to continue as students during or after their temporary employment;

37.30 (g) employees providing services for not more than two consecutive quarters to the
37.31 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
37.32 professional or technical services contract as defined in section 16C.08, subdivision 1;

37.33 (h) employees of charitable hospitals as defined by section 179.35, subdivision 3;

38.1 (i) full-time undergraduate students employed by the school which they attend under
38.2 a work-study program or in connection with the receipt of financial aid, irrespective
38.3 of number of hours of service per week;

38.4 (j) an individual who is employed for less than 300 hours in a fiscal year as an
38.5 instructor in an adult vocational education program;

38.6 (k) an individual hired by the Board of Trustees of the Minnesota State Colleges and
38.7 Universities to teach one course for three or fewer credits for one semester in a year;

38.8 (l) with respect to court employees:

38.9 (1) personal secretaries to judges;

38.10 (2) law clerks;

38.11 (3) managerial employees;

38.12 (4) confidential employees; and

38.13 (5) supervisory employees;

38.14 (m) with respect to employees of Hennepin Healthcare System, Inc., managerial,
38.15 supervisory, and confidential employees.

38.16 The following individuals are public employees regardless of the exclusions of
38.17 clauses (e) and (f):

38.18 (i) An employee hired by a school district or the Board of Trustees of the Minnesota
38.19 State Colleges and Universities except at the university established in ~~section 136F.13~~
38.20 the Twin Cities metropolitan area under section 136F.10 or for community services or
38.21 community education instruction offered on a noncredit basis: (A) to replace an absent
38.22 teacher or faculty member who is a public employee, where the replacement employee
38.23 is employed more than 30 working days as a replacement for that teacher or faculty
38.24 member; or (B) to take a teaching position created due to increased enrollment, curriculum
38.25 expansion, courses which are a part of the curriculum whether offered annually or not, or
38.26 other appropriate reasons;

38.27 (ii) An employee hired for a position under clause (f)(1) if that same position has
38.28 already been filled under clause (f)(1) in the same calendar year and the cumulative
38.29 number of days worked in that same position by all employees exceeds 67 calendar days
38.30 in that year. For the purpose of this paragraph, "same position" includes a substantially
38.31 equivalent position if it is not the same position solely due to a change in the classification
38.32 or title of the position; and

38.33 (iii) an early childhood family education teacher employed by a school district.

38.34 Sec. 36. Minnesota Statutes 2008, section 299A.45, subdivision 1, is amended to read:

39.1 Subdivision 1. **Eligibility.** A person is eligible to receive educational benefits under
39.2 this section if the person:

39.3 (1) is certified under section 299A.44 and in compliance with this section and rules
39.4 of the commissioner of public safety and the Minnesota Office of Higher Education;

39.5 (2) is enrolled in an undergraduate degree or certificate program after June 30, 1990,
39.6 at an eligible Minnesota institution as provided in section 136A.101, subdivision 4;

39.7 (3) has not received a baccalaureate degree or been enrolled full time for ~~ten~~ nine
39.8 semesters or the equivalent, except that a student who withdraws from enrollment for
39.9 active military service is entitled to an additional semester or the equivalent of eligibility;
39.10 and

39.11 (4) is related in one of the following ways to a public safety officer killed in the
39.12 line of duty on or after January 1, 1973:

39.13 (i) as a dependent child less than 23 years of age;

39.14 (ii) as a surviving spouse; or

39.15 (iii) as a dependent child less than 30 years of age who has served on active military
39.16 duty 181 consecutive days or more and has been honorably discharged or released to the
39.17 dependent child's reserve or National Guard unit.

39.18 Sec. 37. Minnesota Statutes 2008, section 340A.404, subdivision 4a, is amended to
39.19 read:

39.20 Subd. 4a. **State-owned recreation; entertainment facilities.** Notwithstanding any
39.21 other law, local ordinance, or charter provision, the commissioner may issue on-sale
39.22 intoxicating liquor licenses:

39.23 (1) to the state agency administratively responsible for, or to an entity holding a
39.24 concession or facility management contract with such agency for beverage sales at, the
39.25 premises of any Giants Ridge Recreation Area building or recreational improvement area
39.26 owned by the state in the ~~town of White~~ city of Biwabik, St. Louis County;

39.27 (2) to the state agency administratively responsible for, or to an entity holding a
39.28 concession or facility management contract with such agency for beverage sales at, the
39.29 premises of any Ironworld Discovery Center building or facility owned by the state at
39.30 Chisholm; and

39.31 (3) to the Board of Regents of the University of Minnesota for events at Northrop
39.32 Auditorium, the intercollegiate football stadium, or at no more than seven other locations
39.33 within the boundaries of the University of Minnesota, provided that the Board of Regents
39.34 has approved an application for a license for the specified location and provided that a
39.35 license for an arena or stadium location is void unless it requires the sale of intoxicating

40.1 liquor throughout the arena or stadium if intoxicating liquor is sold anywhere in the arena
40.2 or stadium.

40.3 The commissioner shall charge a fee for licenses issued under this subdivision in an
40.4 amount comparable to the fee for comparable licenses issued in surrounding cities.

40.5 **EFFECTIVE DATE.** This section is effective the day following final enactment
40.6 and applies to applications for an on-sale liquor license made after December 1, 2008.

40.7 Sec. 38. **IMPLEMENTATION OF TEXTBOOK INFORMATION**
40.8 **REQUIREMENTS.**

40.9 The Minnesota Office of Higher Education must report to the committees of
40.10 the legislature responsible for higher education finance by January 15, 2010, on the
40.11 implementation of textbook information requirements under United States Code, title 20,
40.12 section 1015b, effective July 1, 2010. In preparing the report, the office must work with
40.13 representatives of textbook publishers, the Student Advisory Council, Minnesota State
40.14 Colleges and Universities, the University of Minnesota, and the Private College Council.
40.15 At a minimum, the report must include a template that publishers may use to provide
40.16 the required information in a consistent format to all Minnesota campuses, and make
40.17 recommendations for methods to disseminate pricing information to support students and
40.18 faculty in making well informed decisions about course materials.

40.19 Sec. 39. **ACHIEVE SCHOLARSHIP FOR STUDENTS ELIGIBLE PRIOR TO**
40.20 **JANUARY 1, 2009.**

40.21 A student who met the requirements to receive an Achieve Scholarship prior to
40.22 January 1, 2009, but did not receive the scholarship award, may be awarded a onetime
40.23 scholarship of \$1,200. This section expires on December 31, 2012.

40.24 Sec. 40. **TEACHER EDUCATION REPORT.**

40.25 The Minnesota Office of Higher Education and Minnesota Department of Education
40.26 must report to the committees of the legislature with jurisdiction over teacher education on
40.27 best practices in innovative teacher education programs and teacher education research.

40.28 The report must include, at a minimum, information on:

40.29 (1) teacher education preparation program curricula that will prepare prospective
40.30 teachers to teach an increasingly diverse student population;

40.31 (2) opportunities for mid-career professionals employed in professions in which
40.32 there is a shortage of teachers to pursue a teaching career; and

40.33 (3) enhancing the ability of teachers to use technology in the classroom.

41.1 The report must be submitted by June 15, 2010.

41.2 Sec. 41. **FISCAL STABILIZATION ACCOUNT; PRIMARY PAYEE.**

41.3 (a) The fiscal stabilization account is created in the federal fund in the state
41.4 treasury. All money received by the state under title XIV of the American Recovery and
41.5 Reinvestment Act of 2009, Public Law 111-5, division A, must be credited to the fiscal
41.6 stabilization account. Money in the account must not be spent except pursuant to a direct
41.7 appropriation by law. When all money credited and to be credited to the account from the
41.8 American Recovery and Reinvestment Act of 2009 has been spent, the commissioner of
41.9 finance shall close the account.

41.10 (b) The commissioner of finance may designate a primary payee for each state fiscal
41.11 stabilization award. The primary payee must transfer the amount of stabilization funds
41.12 appropriated by law to the state agencies and higher education institutions designated to
41.13 receive these funds in law.

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

41.15 Sec. 42. **MINNESOTA STATE COLLEGE - SOUTHEAST TECHNICAL;**
41.16 **AVIATION TRAINING CENTER.**

41.17 Notwithstanding Minnesota Statutes, section 136F.60, subdivision 5, the net
41.18 proceeds of the sale or disposition of the Aviation Training Center in Winona operated by
41.19 Minnesota State College - Southeast Technical, after paying all expenses incurred in selling
41.20 the property and retiring any remaining debt attributable to the project, are appropriated to
41.21 the Board of Trustees of the Minnesota State Colleges and Universities for use in a capital
41.22 project at the Winona campus and need not be paid to the commissioner of finance, as
41.23 would otherwise be required by Minnesota Statutes, section 16A.695, subdivision 3.

41.24 When the sale is complete and the sale proceeds have been applied as provided in
41.25 this section, Minnesota Statutes, section 16A.695, no longer applies to the property and
41.26 the property is no longer state bond financed property.

41.27 Sec. 43. **POWER OF YOU PILOT PROGRAMS.**

41.28 Subdivision 1. **Power of you pilot programs.** The Board of Trustees of the
41.29 Minnesota State Colleges and Universities shall establish power of you pilot programs in
41.30 suburban and rural sites. The pilots shall comply with Minnesota Statutes, section 136F.19.

41.31 Subd. 2. **Suburban pilot selection.** By July 1, 2009, the board of trustees shall
41.32 select one technical college and one community college or community-technical college
41.33 in the Minneapolis-St. Paul suburban area to develop a new power of you pilot program

42.1 in conjunction with Metropolitan State University. Each college in the pilot program
42.2 must work with a high school partner selected by the board in the Minneapolis-St. Paul
42.3 suburban area.

42.4 Subd. 3. **Rural pilot selection.** By July 1, 2009, the Board of Trustees shall select
42.5 two rural colleges to participate in the power of you pilot programs. One of the pilot
42.6 programs must be a multicampus college in an agricultural part of the state and the other a
42.7 multicampus college in a nonagricultural part of the state dependent on natural resources.
42.8 Each college in the pilot program must work with a high school partner selected by the
42.9 board.

42.10 Subd. 4. **Match.** Pilot programs established under this section must match each
42.11 state dollar with an equal amount of nonstate money or an in-kind contribution.

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

42.13 Sec. 44. **MINNESOTA STATE COLLEGES AND UNIVERSITIES DEGREE**
42.14 **REQUIREMENTS.**

42.15 Until July 2, 2012, an associate of applied science degree offered by a college in
42.16 the Minnesota State Colleges and Universities system is exempt from the 60-semester
42.17 credit length limit for an associate degree specified in the Minnesota State Colleges and
42.18 Universities Board Policy number 3.36, part 3, subpart C. The chancellor may consider
42.19 criteria for waiving the credit length limits under this board policy for emerging or
42.20 innovative programs. By January 2, 2012, the Minnesota State College Faculty and the
42.21 Minnesota State College Student Association must present a joint report to the house of
42.22 representatives and senate committees with jurisdiction over higher education policy on a
42.23 process for reviewing the credit requirements for an associate of applied science degree.

42.24 **EFFECTIVE DATE.** This section is effective the day following final enactment
42.25 and applies to associate of applied science degrees whether first offered before, on, or
42.26 after that date.

42.27 Sec. 45. **FAFSA REPORT.**

42.28 By March 15, 2011, the Office of Higher Education must report to the committees
42.29 of the legislature with primary jurisdiction over higher education on the policies and
42.30 procedures adopted by institutions eligible for the state grant program to increase student
42.31 awareness of the need to complete a FAFSA application with a preliminary assessment of
42.32 the effectiveness of the policies and procedures.

43.1 Sec. 46. **REPEALER.**

43.2 Minnesota Statutes 2008, section 136A.127, subdivisions 8, 12, and 13, are repealed.

43.3 **ARTICLE 3**

43.4 **DENTAL THERAPISTS**

43.5 Section 1. Minnesota Statutes 2008, section 150A.01, is amended by adding a
43.6 subdivision to read:

43.7 Subd. 6b. **Dental therapist.** "Dental therapist" means a person licensed under this
43.8 chapter to perform the services authorized under section 150A.105 or any other services
43.9 authorized under this chapter.

43.10 Sec. 2. Minnesota Statutes 2008, section 150A.01, is amended by adding a subdivision
43.11 to read:

43.12 Subd. 6c. **Advanced dental therapist.** "Advanced dental therapist" means a person
43.13 licensed as a dental therapist under this chapter and who has been certified by the board to
43.14 practice as an advanced dental therapist under section 150A.106.

43.15 Sec. 3. Minnesota Statutes 2008, section 150A.05, is amended by adding a subdivision
43.16 to read:

43.17 Subd. 1b. **Practice of dental therapy.** A person shall be deemed to be practicing as
43.18 a dental therapist within the meaning of this chapter who:

43.19 (1) works under the supervision of a Minnesota-licensed dentist under a collaborative
43.20 management agreement as specified under section 150A.105;

43.21 (2) practices in settings that serve low-income, uninsured, and underserved patients
43.22 or are located in dental health professional shortage areas; and

43.23 (3) provides oral health care services, including preventive, oral evaluation and
43.24 assessment, educational, palliative, therapeutic, and restorative services as authorized
43.25 under sections 150A.105 and 150A.106 and within the context of a collaborative
43.26 management agreement.

43.27 Sec. 4. Minnesota Statutes 2008, section 150A.05, subdivision 2, is amended to read:

43.28 **Subd. 2. Exemptions and exceptions of certain practices and operations.**

43.29 Sections 150A.01 to 150A.12 do not apply to:

43.30 (1) the practice of dentistry or dental hygiene in any branch of the armed services of
43.31 the United States, the United States Public Health Service, or the United States Veterans
43.32 Administration;

44.1 (2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate
44.2 dental students, dental therapy students, dental hygiene students, and dental assisting
44.3 students of the University of Minnesota, schools of dental hygiene, schools with a dental
44.4 therapy education program, or schools of dental assisting approved by the board, when
44.5 acting under the direction and supervision of a licensed dentist, a licensed dental therapist,
44.6 or a licensed dental hygienist acting as an instructor;

44.7 (3) the practice of dentistry by licensed dentists of other states or countries while
44.8 appearing as clinicians under the auspices of a duly approved dental school or college, or a
44.9 reputable dental society, or a reputable dental study club composed of dentists;

44.10 (4) the actions of persons while they are taking examinations for licensure or
44.11 registration administered or approved by the board pursuant to sections 150A.03,
44.12 subdivision 1, and 150A.06, subdivisions 1, 2, and 2a;

44.13 (5) the practice of dentistry by dentists and dental hygienists licensed by other states
44.14 during their functioning as examiners responsible for conducting licensure or registration
44.15 examinations administered by regional and national testing agencies with whom the
44.16 board is authorized to affiliate and participate under section 150A.03, subdivision 1,
44.17 and the practice of dentistry by the regional and national testing agencies during their
44.18 administering examinations pursuant to section 150A.03, subdivision 1;

44.19 (6) the use of X-rays or other diagnostic imaging modalities for making radiographs
44.20 or other similar records in a hospital under the supervision of a physician or dentist or
44.21 by a person who is credentialed to use diagnostic imaging modalities or X-ray machines
44.22 for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing
44.23 agency other than the Board of Dentistry; or

44.24 (7) the service, other than service performed directly upon the person of a patient, of
44.25 constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge,
44.26 splint, orthodontic, prosthetic, or other dental appliance, when performed according to a
44.27 written work order from a licensed dentist or a licensed advanced dental therapist in
44.28 accordance with section 150A.10, subdivision 3.

44.29 Sec. 5. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision
44.30 to read:

44.31 Subd. 1d. **Dental therapists.** A person of good moral character who has graduated
44.32 with a baccalaureate degree or a master's degree from a dental therapy education program
44.33 that has been approved by the board or accredited by the American Dental Association
44.34 Commission on Dental Accreditation or another board-approved national accreditation
44.35 organization may apply for licensure.

S.F. No. 2083, 3rd Engrossment - 86th Legislative Session (2009-2010) [s2083-3]

45.1 The applicant must submit an application and fee as prescribed by the board and a
45.2 diploma or certificate from a dental therapy education program. Prior to being licensed,
45.3 the applicant must pass a comprehensive, competency-based clinical examination that is
45.4 approved by the board and administered independently of an institution providing dental
45.5 therapy education. The applicant must also pass an examination testing the applicant's
45.6 knowledge of the Minnesota laws and rules relating to the practice of dentistry. An
45.7 applicant who has failed the clinical examination twice is ineligible to retake the clinical
45.8 examination until further education and training are obtained as specified by the board. A
45.9 separate, nonrefundable fee may be charged for each time a person applies. An applicant
45.10 who passes the examination in compliance with subdivision 2b, abides by professional
45.11 ethical conduct requirements, and meets all the other requirements of the board shall
45.12 be licensed as a dental therapist.

45.13 Sec. 6. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision
45.14 to read:

45.15 Subd. 1e. **Resident dental providers.** A person who is a graduate of an
45.16 undergraduate program and is an enrolled graduate student of an advanced dental
45.17 education program shall obtain from the board a license to practice as a resident dental
45.18 hygienist or dental therapist. The license must be designated "resident dental provider
45.19 license" and authorizes the licensee to practice only under the supervision of a licensed
45.20 dentist or licensed dental therapist. A resident dental provider license must be renewed
45.21 annually by the board. An applicant for a resident dental provider license shall pay a
45.22 nonrefundable fee set by the board for issuing and renewing the license. The requirements
45.23 of sections 150A.01 to 150A.21 apply to resident dental providers except as specified in
45.24 rules adopted by the board. A resident dental provider license does not qualify a person
45.25 for licensure under subdivision 1d or 2.

45.26 Sec. 7. Minnesota Statutes 2008, section 150A.06, subdivision 2d, is amended to read:

45.27 Subd. 2d. **Continuing education and professional development waiver.** (a) The
45.28 board shall grant a waiver to the continuing education requirements under this chapter for
45.29 a licensed dentist, a licensed dental therapist, licensed dental hygienist, or registered dental
45.30 assistant who documents to the satisfaction of the board that the dentist, a dental therapist,
45.31 dental hygienist, or registered dental assistant has retired from active practice in the state
45.32 and limits the provision of dental care services to those offered without compensation
45.33 in a public health, community, or tribal clinic or a nonprofit organization that provides

46.1 services to the indigent or to recipients of medical assistance, general assistance medical
46.2 care, or MinnesotaCare programs.

46.3 (b) The board may require written documentation from the volunteer and retired
46.4 dentist, a dental therapist, dental hygienist, or registered dental assistant prior to granting
46.5 this waiver.

46.6 (c) The board shall require the volunteer and retired dentist, dental therapist, dental
46.7 hygienist, or registered dental assistant to meet the following requirements:

46.8 (1) a licensee or registrant seeking a waiver under this subdivision must complete
46.9 and document at least five hours of approved courses in infection control, medical
46.10 emergencies, and medical management for the continuing education cycle; and

46.11 (2) provide documentation of certification in advanced or basic cardiac life support
46.12 recognized by the American Heart Association, the American Red Cross, or an equivalent
46.13 entity.

46.14 Sec. 8. Minnesota Statutes 2008, section 150A.06, subdivision 5, is amended to read:

46.15 Subd. 5. **Fraud in securing licenses or registrations.** Every person implicated
46.16 in employing fraud or deception in applying for or securing a license or registration to
46.17 practice dentistry, dental hygiene, ~~or dental therapy, or dental assisting,~~ or in annually
46.18 renewing a license or registration under sections 150A.01 to 150A.12 is guilty of a gross
46.19 misdemeanor.

46.20 Sec. 9. Minnesota Statutes 2008, section 150A.06, subdivision 6, is amended to read:

46.21 Subd. 6. **Display of name and certificates.** The initial license and subsequent
46.22 renewal, or current registration certificate, of every dentist, a dental therapist, dental
46.23 hygienist, or dental assistant shall be conspicuously displayed in every office in which that
46.24 person practices, in plain sight of patients. Near or on the entrance door to every office
46.25 where dentistry is practiced, the name of each dentist practicing there, as inscribed on the
46.26 current license certificate, shall be displayed in plain sight.

46.27 Sec. 10. Minnesota Statutes 2008, section 150A.08, subdivision 1, is amended to read:

46.28 Subdivision 1. **Grounds.** The board may refuse or by order suspend or revoke, limit
46.29 or modify by imposing conditions it deems necessary, ~~any the license to practice dentistry~~
46.30 ~~or dental hygiene~~ of a dentist, dental therapist, or dental hygienist, or the registration of
46.31 any dental assistant upon any of the following grounds:

46.32 (1) fraud or deception in connection with the practice of dentistry or the securing of
46.33 a license or registration certificate;

47.1 (2) conviction, including a finding or verdict of guilt, an admission of guilt, or a no
47.2 contest plea, in any court of a felony or gross misdemeanor reasonably related to the
47.3 practice of dentistry as evidenced by a certified copy of the conviction;

47.4 (3) conviction, including a finding or verdict of guilt, an admission of guilt, or a
47.5 no contest plea, in any court of an offense involving moral turpitude as evidenced by a
47.6 certified copy of the conviction;

47.7 (4) habitual overindulgence in the use of intoxicating liquors;

47.8 (5) improper or unauthorized prescription, dispensing, administering, or personal
47.9 or other use of any legend drug as defined in chapter 151, of any chemical as defined in
47.10 chapter 151, or of any controlled substance as defined in chapter 152;

47.11 (6) conduct unbecoming a person licensed to practice dentistry, dental therapy, or
47.12 dental hygiene or registered as a dental assistant, or conduct contrary to the best interest of
47.13 the public, as such conduct is defined by the rules of the board;

47.14 (7) gross immorality;

47.15 (8) any physical, mental, emotional, or other disability which adversely affects a
47.16 dentist's, dental therapist's, dental hygienist's, or registered dental assistant's ability to
47.17 perform the service for which the person is licensed or registered;

47.18 (9) revocation or suspension of a license, registration, or equivalent authority to
47.19 practice, or other disciplinary action or denial of a license or registration application taken
47.20 by a licensing, registering, or credentialing authority of another state, territory, or country
47.21 as evidenced by a certified copy of the licensing authority's order, if the disciplinary action
47.22 or application denial was based on facts that would provide a basis for disciplinary action
47.23 under this chapter and if the action was taken only after affording the credentialed person
47.24 or applicant notice and opportunity to refute the allegations or pursuant to stipulation
47.25 or other agreement;

47.26 (10) failure to maintain adequate safety and sanitary conditions for a dental office in
47.27 accordance with the standards established by the rules of the board;

47.28 (11) employing, assisting, or enabling in any manner an unlicensed person to
47.29 practice dentistry;

47.30 (12) failure or refusal to attend, testify, and produce records as directed by the board
47.31 under subdivision 7;

47.32 (13) violation of, or failure to comply with, any other provisions of sections 150A.01
47.33 to 150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the
47.34 board, sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any
47.35 other just cause related to the practice of dentistry. Suspension, revocation, modification
47.36 or limitation of any license shall not be based upon any judgment as to therapeutic or

48.1 monetary value of any individual drug prescribed or any individual treatment rendered,
48.2 but only upon a repeated pattern of conduct;

48.3 (14) knowingly providing false or misleading information that is directly related
48.4 to the care of that patient unless done for an accepted therapeutic purpose such as the
48.5 administration of a placebo; or

48.6 (15) aiding suicide or aiding attempted suicide in violation of section 609.215 as
48.7 established by any of the following:

48.8 (i) a copy of the record of criminal conviction or plea of guilty for a felony in
48.9 violation of section 609.215, subdivision 1 or 2;

48.10 (ii) a copy of the record of a judgment of contempt of court for violating an
48.11 injunction issued under section 609.215, subdivision 4;

48.12 (iii) a copy of the record of a judgment assessing damages under section 609.215,
48.13 subdivision 5; or

48.14 (iv) a finding by the board that the person violated section 609.215, subdivision
48.15 1 or 2. The board shall investigate any complaint of a violation of section 609.215,
48.16 subdivision 1 or 2.

48.17 Sec. 11. Minnesota Statutes 2008, section 150A.08, subdivision 3a, is amended to read:

48.18 Subd. 3a. **Costs; additional penalties.** (a) The board may impose a civil penalty
48.19 not exceeding \$10,000 for each separate violation, the amount of the civil penalty to
48.20 be fixed so as to deprive a licensee or registrant of any economic advantage gained by
48.21 reason of the violation, to discourage similar violations by the licensee or registrant or any
48.22 other licensee or registrant, or to reimburse the board for the cost of the investigation and
48.23 proceeding, including, but not limited to, fees paid for services provided by the Office of
48.24 Administrative Hearings, legal and investigative services provided by the Office of the
48.25 Attorney General, court reporters, witnesses, reproduction of records, board members'
48.26 per diem compensation, board staff time, and travel costs and expenses incurred by board
48.27 staff and board members.

48.28 (b) In addition to costs and penalties imposed under paragraph (a), the board may
48.29 also:

48.30 (1) order the dentist, dental therapist, dental hygienist, or dental assistant to provide
48.31 unremunerated service;

48.32 (2) censure or reprimand the dentist, dental therapist, dental hygienist, or dental
48.33 assistant; or

48.34 (3) any other action as allowed by law and justified by the facts of the case.

49.1 Sec. 12. Minnesota Statutes 2008, section 150A.08, subdivision 5, is amended to read:

49.2 Subd. 5. **Medical examinations.** If the board has probable cause to believe that a
49.3 dentist, dental therapist, dental hygienist, registered dental assistant, or applicant engages
49.4 in acts described in subdivision 1, clause (4) or (5), or has a condition described in
49.5 subdivision 1, clause (8), it shall direct the dentist, dental therapist, dental hygienist,
49.6 assistant, or applicant to submit to a mental or physical examination or a chemical
49.7 dependency assessment. For the purpose of this subdivision, every dentist, dental
49.8 therapist, hygienist, or assistant licensed or registered under this chapter or person
49.9 submitting an application for a license or registration is deemed to have given consent
49.10 to submit to a mental or physical examination when directed in writing by the board and
49.11 to have waived all objections in any proceeding under this section to the admissibility
49.12 of the examining physician's testimony or examination reports on the ground that they
49.13 constitute a privileged communication. Failure to submit to an examination without just
49.14 cause may result in an application being denied or a default and final order being entered
49.15 without the taking of testimony or presentation of evidence, other than evidence which
49.16 may be submitted by affidavit, that the licensee, registrant, or applicant did not submit to
49.17 the examination. A dentist, dental therapist, dental hygienist, registered dental assistant,
49.18 or applicant affected under this section shall at reasonable intervals be afforded an
49.19 opportunity to demonstrate ability to start or resume the competent practice of dentistry or
49.20 perform the duties of a dental therapist, dental hygienist, or registered dental assistant with
49.21 reasonable skill and safety to patients. In any proceeding under this subdivision, neither
49.22 the record of proceedings nor the orders entered by the board is admissible, is subject to
49.23 subpoena, or may be used against the dentist, dental therapist, dental hygienist, registered
49.24 dental assistant, or applicant in any proceeding not commenced by the board. Information
49.25 obtained under this subdivision shall be classified as private pursuant to the Minnesota
49.26 Government Data Practices Act.

49.27 Sec. 13. Minnesota Statutes 2008, section 150A.09, subdivision 1, is amended to read:

49.28 Subdivision 1. **Registration information and procedure.** On or before the license
49.29 or registration certificate expiration date every licensed dentist, dental therapist, dental
49.30 hygienist, and registered dental assistant shall transmit to the executive secretary of the
49.31 board, pertinent information required by the board, together with the fee established by
49.32 the board. At least 30 days before a license or registration certificate expiration date,
49.33 the board shall send a written notice stating the amount and due date of the fee and the
49.34 information to be provided to every licensed dentist, dental therapist, dental hygienist,
49.35 and registered dental assistant.

S.F. No. 2083, 3rd Engrossment - 86th Legislative Session (2009-2010) [s2083-3]

50.1 Sec. 14. Minnesota Statutes 2008, section 150A.09, subdivision 3, is amended to read:

50.2 Subd. 3. **Current address, change of address.** Every dentist, dental therapist,
50.3 dental hygienist, and registered dental assistant shall maintain with the board a correct
50.4 and current mailing address. For dentists engaged in the practice of dentistry, the address
50.5 shall be that of the location of the primary dental practice. Within 30 days after changing
50.6 addresses, every dentist, dental therapist, dental hygienist, and registered dental assistant
50.7 shall provide the board written notice of the new address either personally or by first
50.8 class mail.

50.9 Sec. 15. Minnesota Statutes 2008, section 150A.091, subdivision 2, is amended to read:

50.10 Subd. 2. **Application fees.** Each applicant for licensure or registration shall submit
50.11 with a license or registration application a nonrefundable fee in the following amounts in
50.12 order to administratively process an application:

- 50.13 (1) dentist, \$140;
50.14 (2) limited faculty dentist, \$140;
50.15 (3) resident dentist, \$55;
50.16 (4) dental therapist, \$100;
50.17 (5) dental hygienist, \$55;
50.18 ~~(5)~~ (6) registered dental assistant, \$35; and
50.19 ~~(6)~~ (7) dental assistant with a limited registration, \$15.

50.20 Sec. 16. Minnesota Statutes 2008, section 150A.091, subdivision 3, is amended to read:

50.21 Subd. 3. **Initial license or registration fees.** Along with the application fee, each of
50.22 the following licensees or registrants shall submit a separate prorated initial license or
50.23 registration fee. The prorated initial fee shall be established by the board based on the
50.24 number of months of the licensee's or registrant's initial term as described in Minnesota
50.25 Rules, part 3100.1700, subpart 1a, not to exceed the following monthly fee amounts:

- 50.26 (1) dentist, \$14 times the number of months of the initial term;
50.27 (2) dental therapist, \$10 times the number of months of initial term;
50.28 (3) dental hygienist, \$5 times the number of months of the initial term;
50.29 ~~(3)~~ (4) registered dental assistant, \$3 times the number of months of initial term; and
50.30 ~~(4)~~ (5) dental assistant with a limited registration, \$1 times the number of months
50.31 of the initial term.

50.32 Sec. 17. Minnesota Statutes 2008, section 150A.091, subdivision 5, is amended to read:

51.1 Subd. 5. **Biennial license or registration fees.** Each of the following licensees or
51.2 registrants shall submit with a biennial license or registration renewal application a fee as
51.3 established by the board, not to exceed the following amounts:

- 51.4 (1) dentist, \$336;
- 51.5 (2) dental therapist, \$180;
- 51.6 (3) dental hygienist, \$118;
- 51.7 ~~(3)~~ (4) registered dental assistant, \$80; and
- 51.8 ~~(4)~~ (5) dental assistant with a limited registration, \$24.

51.9 Sec. 18. Minnesota Statutes 2008, section 150A.091, subdivision 8, is amended to read:

51.10 Subd. 8. **Duplicate license or registration fee.** Each licensee or registrant shall
51.11 submit, with a request for issuance of a duplicate of the original license or registration, or
51.12 of an annual or biennial renewal of it, a fee in the following amounts:

- 51.13 (1) original dentist, dental therapist, or dental hygiene license, \$35; and
- 51.14 (2) initial and renewal registration certificates and license renewal certificates, \$10.

51.15 Sec. 19. Minnesota Statutes 2008, section 150A.091, subdivision 10, is amended to
51.16 read:

51.17 Subd. 10. **Reinstatement fee.** No dentist, dental therapist, dental hygienist, or
51.18 registered dental assistant whose license or registration has been suspended or revoked
51.19 may have the license or registration reinstated or a new license or registration issued until
51.20 a fee has been submitted to the board in the following amounts:

- 51.21 (1) dentist, \$140;
- 51.22 (2) dental therapist, \$85;
- 51.23 (3) dental hygienist, \$55; and
- 51.24 ~~(3)~~ (4) registered dental assistant, \$35.

51.25 Sec. 20. Minnesota Statutes 2008, section 150A.10, subdivision 1, is amended to read:

51.26 Subdivision 1. **Dental hygienists.** Any licensed dentist, licensed dental therapist,
51.27 public institution, or school authority may obtain services from a licensed dental hygienist.
51.28 ~~Such~~ The licensed dental hygienist may provide those services defined in section 150A.05,
51.29 subdivision 1a. ~~Such~~ The services provided shall not include the establishment of a final
51.30 diagnosis or treatment plan for a dental patient. ~~Such~~ All services shall be provided
51.31 under supervision of a licensed dentist. Any licensed dentist who shall permit any dental
51.32 service by a dental hygienist other than those authorized by the Board of Dentistry, shall
51.33 be deemed to be violating the provisions of sections 150A.01 to 150A.12, and any ~~such~~

52.1 unauthorized dental service by a dental hygienist shall constitute a violation of sections
52.2 150A.01 to 150A.12.

52.3 Sec. 21. Minnesota Statutes 2008, section 150A.10, subdivision 2, is amended to read:

52.4 Subd. 2. **Dental assistants.** Every licensed dentist and dental therapist who uses
52.5 the services of any unlicensed person for the purpose of assistance in the practice of
52.6 dentistry or dental therapy shall be responsible for the acts of such unlicensed person
52.7 while engaged in such assistance. ~~Such~~ The dentist or dental therapist shall permit ~~such~~
52.8 the unlicensed assistant to perform only those acts which are authorized to be delegated to
52.9 unlicensed assistants by the Board of Dentistry. ~~Such~~ The acts shall be performed under
52.10 supervision of a licensed dentist or dental therapist. A licensed dental therapist shall not
52.11 supervise more than four registered dental assistants at any one practice setting. The
52.12 board may permit differing levels of dental assistance based upon recognized educational
52.13 standards, approved by the board, for the training of dental assistants. The board may also
52.14 define by rule the scope of practice of registered and nonregistered dental assistants. The
52.15 board by rule may require continuing education for differing levels of dental assistants,
52.16 as a condition to their registration or authority to perform their authorized duties. Any
52.17 licensed dentist or dental therapist who ~~shall permit such~~ permits an unlicensed assistant
52.18 to perform any dental service other than that authorized by the board shall be deemed to
52.19 be enabling an unlicensed person to practice dentistry, and commission of such an act by
52.20 ~~such an~~ an unlicensed assistant shall constitute a violation of sections 150A.01 to 150A.12.

52.21 Sec. 22. Minnesota Statutes 2008, section 150A.10, subdivision 3, is amended to read:

52.22 Subd. 3. **Dental technicians.** Every licensed dentist and dental therapist who uses
52.23 the services of any unlicensed person, other than under the dentist's or dental therapist's
52.24 supervision and within ~~such dentist's own office~~ the same practice setting, for the purpose
52.25 of constructing, altering, repairing or duplicating any denture, partial denture, crown,
52.26 bridge, splint, orthodontic, prosthetic or other dental appliance, shall be required to furnish
52.27 such unlicensed person with a written work order in such form as shall be prescribed by
52.28 the rules of the board, ~~said~~. The work order shall be made in duplicate form, a duplicate
52.29 copy to be retained in a permanent file ~~in of the dentist's office~~ dentist or dental therapist at
52.30 the practice setting for a period of two years, and the original to be retained in a permanent
52.31 file for a period of two years by ~~such the~~ the unlicensed person in that person's place of
52.32 business. ~~Such~~ The permanent file of work orders to be kept by ~~such the~~ the dentist, dental
52.33 therapist, or by ~~such the~~ the unlicensed person shall be open to inspection at any reasonable
52.34 time by the board or its duly constituted agent.

53.1 Sec. 23. Minnesota Statutes 2008, section 150A.10, subdivision 4, is amended to read:

53.2 Subd. 4. **Restorative procedures.** (a) Notwithstanding subdivisions 1, 1a, and 2,
53.3 a licensed dental hygienist or a registered dental assistant may perform the following
53.4 restorative procedures:

53.5 (1) place, contour, and adjust amalgam restorations;

53.6 (2) place, contour, and adjust glass ionomer;

53.7 (3) adapt and cement stainless steel crowns; and

53.8 (4) place, contour, and adjust class I and class V supragingival composite restorations
53.9 where the margins are entirely within the enamel.

53.10 (b) The restorative procedures described in paragraph (a) may be performed only if:

53.11 (1) the licensed dental hygienist or the registered dental assistant has completed a
53.12 board-approved course on the specific procedures;

53.13 (2) the board-approved course includes a component that sufficiently prepares the
53.14 dental hygienist or registered dental assistant to adjust the occlusion on the newly placed
53.15 restoration;

53.16 (3) a licensed dentist or licensed advanced dental therapist has authorized the
53.17 procedure to be performed; and

53.18 (4) a licensed dentist or licensed advanced dental therapist is available in the clinic
53.19 while the procedure is being performed.

53.20 (c) The dental faculty who teaches the educators of the board-approved courses
53.21 specified in paragraph (b) must have prior experience teaching these procedures in an
53.22 accredited dental education program.

53.23 Sec. 24. **[150A.105] DENTAL THERAPIST.**

53.24 **Subdivision 1. General.** A dental therapist licensed under this chapter shall practice
53.25 under the supervision of a Minnesota-licensed dentist and under the requirements of
53.26 this chapter.

53.27 **Subd. 2. Limited practice settings.** A dental therapist licensed under this chapter
53.28 is limited to primarily practicing in settings that serve low-income, uninsured, and
53.29 underserved patients or in a dental health professional shortage area.

53.30 **Subd. 3. Collaborative management agreement.** (a) Prior to performing any of
53.31 the services authorized under this chapter, a dental therapist must enter into a written
53.32 collaborative management agreement with a Minnesota-licensed dentist. A collaborating
53.33 dentist is limited to entering into a collaborative agreement with no more than five dental
53.34 therapists or advanced dental therapists at any one time. The agreement must include:

54.1 (1) practice settings where services may be provided and the populations to be
54.2 served;

54.3 (2) any limitations on the services that may be provided by the dental therapist,
54.4 including the level of supervision required by the collaborating dentist;

54.5 (3) age and procedure specific practice protocols, including case selection criteria,
54.6 assessment guidelines, and imaging frequency;

54.7 (4) a procedure for creating and maintaining dental records for the patients that
54.8 are treated by the dental therapist;

54.9 (5) a plan to manage medical emergencies in each practice setting where the dental
54.10 therapist provides care;

54.11 (6) a quality assurance plan for monitoring care provided by the dental therapist,
54.12 including patient care review, referral follow-up, and a quality assurance chart review;

54.13 (7) protocols for administering and dispensing medications authorized under
54.14 subdivision 5, and section 150A.106, including the specific conditions and circumstance
54.15 under which these medications are to be dispensed and administered;

54.16 (8) criteria relating to the provision of care to patients with specific medical
54.17 conditions or complex medication histories, including requirements for consultation prior
54.18 to the initiation of care;

54.19 (9) supervision criteria of dental assistants; and

54.20 (10) a plan for the provision of clinical resources and referrals in situations which
54.21 are beyond the capabilities of the dental therapist.

54.22 (b) A collaborating dentist must be licensed and practicing in Minnesota. The
54.23 collaborating dentist shall accept responsibility for all services authorized and performed
54.24 by the dental therapist pursuant to the management agreement. Any licensed dentist who
54.25 permits a dental therapist to perform a dental service other than those authorized under
54.26 this section or by the board, or any dental therapist who performs an unauthorized service,
54.27 violates sections 150A.01 to 150A.12.

54.28 (c) Collaborative management agreements must be signed and maintained by the
54.29 collaborating dentist and the dental therapist. Agreements must be reviewed, updated, and
54.30 submitted to the board on an annual basis.

54.31 Subd. 4. **Scope of practice.** (a) A licensed dental therapist may perform dental
54.32 services as authorized under this section within the parameters of the collaborative
54.33 management agreement.

54.34 (b) The services authorized to be performed by a licensed dental therapist include
54.35 the oral health services, as specified in paragraphs (c) and (d), and within the parameters
54.36 of the collaborative management agreement.

55.1 (c) A licensed dental therapist may perform the following services under general
55.2 supervision, unless restricted or prohibited in the collaborative management agreement:

55.3 (1) oral health instruction and disease prevention education, including nutritional
55.4 counseling and dietary analysis;

55.5 (2) preliminary charting of the oral cavity;

55.6 (3) making radiographs;

55.7 (4) mechanical polishing;

55.8 (5) application of topical preventive or prophylactic agents, including fluoride
55.9 varnishes and pit and fissure sealants;

55.10 (6) pulp vitality testing;

55.11 (7) application of desensitizing medication or resin;

55.12 (8) fabrication of athletic mouthguards;

55.13 (9) placement of temporary restorations;

55.14 (10) fabrication of soft occlusal guards;

55.15 (11) tissue conditioning and soft reline;

55.16 (12) atraumatic restorative therapy;

55.17 (13) dressing changes;

55.18 (14) tooth reimplantation;

55.19 (15) administration of local anesthetic; and

55.20 (16) administration of nitrous oxide.

55.21 (d) A licensed dental therapist may perform the following services under indirect
55.22 supervision:

55.23 (1) emergency palliative treatment of dental pain;

55.24 (2) the placement and removal of space maintainers;

55.25 (3) cavity preparation;

55.26 (4) restoration of primary and permanent teeth;

55.27 (5) placement of temporary crowns;

55.28 (6) preparation and placement of preformed crowns; and

55.29 (7) pulpotomies on primary teeth;

55.30 (8) indirect and direct pulp capping on primary and permanent teeth;

55.31 (9) stabilization of reimplanted teeth;

55.32 (10) extractions of primary teeth;

55.33 (11) suture removal;

55.34 (12) brush biopsies;

55.35 (13) repair of defective prosthetic devices; and

55.36 (14) recementing of permanent crowns.

56.1 (e) For purposes of this section and section 150A.106, "general supervision" and
56.2 "indirect supervision" have the meanings given in Minnesota Rules, part 3100.0100,
56.3 subpart 21.

56.4 Subd. 5. **Dispensing authority.** (a) A licensed dental therapist may dispense and
56.5 administer the following drugs within the parameters of the collaborative management
56.6 agreement and within the scope of practice of the dental therapist: analgesics,
56.7 anti-inflammatories, and antibiotics.

56.8 (b) The authority to dispense and administer shall extend only to the categories
56.9 of drugs identified in this subdivision, and may be further limited by the collaborative
56.10 management agreement.

56.11 (c) The authority to dispense includes the authority to dispense sample drugs within
56.12 the categories identified in this subdivision if dispensing is permitted by the collaborative
56.13 management agreement.

56.14 (d) A licensed dental therapist is prohibited from dispensing or administering a
56.15 narcotic drug as defined in section 152.01, subdivision 10.

56.16 Subd. 6. **Application of other laws.** A licensed dental therapist authorized to
56.17 practice under this chapter is not in violation of section 150A.05 as it relates to the
56.18 unauthorized practice of dentistry if the practice is authorized under this chapter and is
56.19 within the parameters of the collaborative management agreement.

56.20 Subd. 7. **Use of dental assistants.** (a) A licensed dental therapist may supervise
56.21 dental assistants to the extent permitted in the collaborative management agreement and
56.22 according to section 150A.10, subdivision 2.

56.23 (b) Notwithstanding paragraph (a), a licensed dental therapist is limited to
56.24 supervising no more than four registered dental assistants or nonregistered dental
56.25 assistants at any one practice setting.

56.26 Subd. 8. **Definitions.** (a) For the purposes of this section, the following definitions
56.27 apply.

56.28 (b) "Practice settings that serve the low-income and underserved" mean:

56.29 (1) critical access dental provider settings as designated by the commissioner of
56.30 human services under section 256B.76, subdivision 4;

56.31 (2) dental hygiene collaborative practice settings identified in section 150A.10,
56.32 subdivision 1a, paragraph (e), and including medical facilities, assisted living facilities,
56.33 federally qualified health centers, and organizations eligible to receive a community clinic
56.34 grant under section 145.9268, subdivision 1;

56.35 (3) military and veterans administration hospitals, clinics, and care settings;

57.1 (4) a patient's residence or home when the patient is home-bound or receiving or
57.2 eligible to receive home care services or home and community-based waived services,
57.3 regardless of the patient's income;

57.4 (5) oral health educational institutions; or

57.5 (6) any other clinic or practice setting, including mobile dental units, in which at
57.6 least 50 percent of the total patient base of the dental therapist or advanced dental therapist
57.7 consists of patients who:

57.8 (i) are enrolled in a Minnesota health care program;

57.9 (ii) have a medical disability or chronic condition that creates a significant barrier
57.10 to receiving dental care;

57.11 (iii) do not have dental health coverage, either through a public health care program
57.12 or private insurance, and have an annual gross family income equal to or less than 200
57.13 percent of the federal poverty guidelines; or

57.14 (iv) do not have dental health coverage either through a state public health care
57.15 program or private insurance, and whose family gross income is equal to or less than 200
57.16 percent of the federal poverty guidelines.

57.17 (c) "Dental health professional shortage area" means an area that meets the criteria
57.18 established by the secretary of the United States Department of Health and Human
57.19 Services and is designated as such under United States Code, title 42, section 254e.

57.20 **Sec. 25. [150A.106] ADVANCED PRACTICE DENTAL THERAPIST.**

57.21 **Subdivision 1. General.** In order to be certified by the board to practice as an
57.22 advanced dental therapist, a person must:

57.23 (1) complete a dental therapy education program;

57.24 (2) pass an examination to demonstrate competency under the dental therapy scope
57.25 of practice;

57.26 (3) be licensed as a dental therapist;

57.27 (4) complete 2,000 hours of dental therapy clinical practice under direct or indirect
57.28 supervision;

57.29 (5) graduate from a master's advanced dental therapy education program;

57.30 (6) pass a board-approved certification examination to demonstrate competency
57.31 under the advanced scope of practice; and

57.32 (7) submit an application for certification as prescribed by the board.

57.33 **Subd. 2. Scope of practice.** (a) An advanced dental therapist certified by the board
57.34 under this section may perform the following services and procedures pursuant to the
57.35 written collaborative management agreement:

58.1 (1) an oral evaluation and assessment of dental disease and the formulation of an
58.2 individualized treatment plan authorized by the collaborating dentist;

58.3 (2) the services and procedures described under section 150A.105, subdivision 4,
58.4 paragraphs (c) and (d); and

58.5 (3) nonsurgical extractions of permanent teeth as limited in subdivision 3, paragraph
58.6 (b).

58.7 (b) The services and procedures described under this subdivision may be performed
58.8 under general supervision.

58.9 Subd. 3. **Practice limitation.** (a) An advanced practice dental therapist shall not
58.10 perform any service or procedure described in subdivision 2 except as authorized by
58.11 the collaborating dentist.

58.12 (b) An advanced dental therapist may perform nonsurgical extractions of
58.13 periodontally diseased permanent teeth with tooth mobility of +3 to +4 under general
58.14 supervision if authorized in advance by the collaborating dentist. The advanced dental
58.15 therapist shall not extract a tooth for any patient if the tooth is unerupted, impacted,
58.16 fractured, or needs to be sectioned for removal.

58.17 (c) The collaborating dentist is responsible for directly providing or arranging for
58.18 another dentist or specialist to provide any necessary advanced services needed by the
58.19 patient.

58.20 (d) An advanced dental therapist in accordance with the collaborative management
58.21 agreement must refer patients to another qualified dental or health care professional to
58.22 receive any needed services that exceed the scope of practice of the advanced dental
58.23 therapist.

58.24 (e) In addition to the collaborative management agreement requirements described in
58.25 section 150A.105, a collaborative management agreement entered into with an advanced
58.26 dental therapist must include specific written protocols to govern situations in which
58.27 the advanced dental therapist encounters a patient who requires treatment that exceeds
58.28 the authorized scope of practice of the advanced dental therapist. The collaborating
58.29 dentist must ensure that a dentist is available to the advanced dental therapist for timely
58.30 consultation during treatment if needed and must either provide or arrange with another
58.31 dentist or specialist to provide the necessary treatment to any patient who requires more
58.32 treatment than the advanced dental therapist is authorized to provide.

58.33 Subd. 4. **Medications.** (a) An advanced dental therapist may provide, dispense, and
58.34 administer the following drugs within the parameters of the collaborative management
58.35 agreement, within the scope of practice of the advanced dental therapist practitioner,

59.1 and with the authorization of the collaborating dentist: analgesics, anti-inflammatories,
59.2 and antibiotics.

59.3 (b) The authority to provide, dispense, and administer shall extend only to the
59.4 categories of drugs identified in this subdivision, and may be further limited by the
59.5 collaborative management agreement.

59.6 (c) The authority to dispense includes the authority to dispense sample drugs within
59.7 the categories identified in this subdivision if dispensing is permitted by the collaborative
59.8 management agreement.

59.9 (d) Notwithstanding paragraph (a), an advanced dental therapist is prohibited from
59.10 providing, dispensing, or administering a narcotic drug as defined in section 152.01,
59.11 subdivision 10.

59.12 Sec. 26. Minnesota Statutes 2008, section 150A.11, subdivision 4, is amended to read:

59.13 Subd. 4. **Dividing fees.** It shall be unlawful for any dentist to divide fees with or
59.14 promise to pay a part of the dentist's fee to, or to pay a commission to, any dentist or
59.15 other person who calls the dentist in consultation or who sends patients to the dentist for
59.16 treatment, or operation, but nothing herein shall prevent licensed dentists from forming
59.17 a bona fide partnership for the practice of dentistry, nor to the actual employment by a
59.18 licensed dentist of, a licensed dental therapist, a licensed dental hygienist₂ or another
59.19 licensed dentist.

59.20 Sec. 27. Minnesota Statutes 2008, section 150A.12, is amended to read:

59.21 **150A.12 VIOLATION AND DEFENSES.**

59.22 Every person who violates any of the provisions of sections 150A.01 to 150A.12
59.23 for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor;
59.24 and, upon conviction, punished by a fine of not more than \$3,000 or by imprisonment in
59.25 the county jail for not more than one year or by both such fine and imprisonment. In
59.26 the prosecution of any person for violation of sections 150A.01 to 150A.12, it shall not
59.27 be necessary to allege or prove lack of a valid license to practice dentistry ~~or~~₂ dental
59.28 hygiene, or dental therapy but ~~such matter~~ shall be a matter of defense to be established by
59.29 the defendant.

59.30 Sec. 28. Minnesota Statutes 2008, section 150A.21, subdivision 1, is amended to read:

59.31 Subdivision 1. **Patient's name and Social Security number.** Every complete
59.32 upper and lower denture and removable dental prosthesis fabricated by a dentist licensed
59.33 under section 150A.06, or fabricated pursuant to the dentist's or dental therapist's work

60.1 order, shall be marked with the name and Social Security number of the patient for whom
60.2 the prosthesis is intended. The markings shall be done during fabrication and shall be
60.3 permanent, legible and cosmetically acceptable. The exact location of the markings and
60.4 the methods used to apply or implant them shall be determined by the dentist or dental
60.5 laboratory fabricating the prosthesis. If in the professional judgment of the dentist or dental
60.6 laboratory, this identification is not practicable, identification shall be provided as follows:

60.7 (a) The Social Security number of the patient may be omitted if the name of the
60.8 patient is shown;

60.9 (b) The initials of the patient may be shown alone, if use of the name of the patient is
60.10 impracticable;

60.11 (c) The identification marks may be omitted in their entirety if none of the forms of
60.12 identification specified in clauses (a) and (b) are practicable or clinically safe.

60.13 Sec. 29. Minnesota Statutes 2008, section 150A.21, subdivision 4, is amended to read:

60.14 Subd. 4. **Failure to comply.** Failure of any dentist or dental therapist to comply
60.15 with this section shall be deemed to be a violation for which the dentist or dental therapist
60.16 may be subject to proceedings pursuant to section 150A.08, provided the dentist is charged
60.17 with the violation within two years of initial insertion of the dental prosthetic device.

60.18 Sec. 30. Minnesota Statutes 2008, section 151.01, subdivision 23, is amended to read:

60.19 Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed
60.20 doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry,
60.21 licensed doctor of optometry, licensed podiatrist, or licensed veterinarian. For purposes
60.22 of sections 151.15, subdivision 4, 151.37, subdivision 2, paragraphs (b), (e), and (f),
60.23 and 151.461, "practitioner" also means a physician assistant authorized to prescribe,
60.24 dispense, and administer under chapter 147A, or an advanced practice nurse authorized
60.25 to prescribe, dispense, and administer under section 148.235. For purposes of sections
60.26 151.15, subdivision 4; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner"
60.27 also means a dental therapist authorized to dispense and administer under chapter 150A.

60.28 Sec. 31. **IMPACT OF DENTAL THERAPISTS.**

60.29 (a) The Board of Dentistry shall evaluate the impact of the use of dental therapists
60.30 on the delivery of and access to dental services. The board shall report to the chairs and
60.31 ranking minority members of the legislative committees with jurisdiction over health
60.32 care by January 15, 2014:

60.33 (1) the number of dental therapists annually licensed by the board beginning in 2011;

61.1 (2) the settings where licensed dental therapists are practicing and the populations
61.2 being served;

61.3 (3) the number of complaints filed against dental therapists and the basis for each
61.4 complaint; and

61.5 (4) the number of disciplinary actions taken against dental therapists.

61.6 (b) The board, in consultation with the Department of Human Services, shall also
61.7 include the number and type of dental services that were performed by dental therapists
61.8 and reimbursed by the state under the Minnesota state health care programs for the 2013
61.9 fiscal year.

61.10 (c) The Board of Dentistry, in consultation with the Department of Health, shall
61.11 develop an evaluation process that focuses on assessing the impact of dental therapists in
61.12 terms of patient safety, cost-effectiveness, and access to dental services. The process shall
61.13 focus on the following outcome measures:

61.14 (1) number of new patients served;

61.15 (2) reduction in waiting times for needed services;

61.16 (3) decreased travel time for patients;

61.17 (4) impact on emergency room usage for dental care; and

61.18 (5) costs to the public health care system.

61.19 (d) The evaluation process shall be used by the board in the report required in
61.20 paragraph (a) and shall expire January 1, 2014.

61.21 Sec. 32. **REPEALER.**

61.22 Minnesota Statutes 2008, section 150A.061, is repealed.

APPENDIX
Article locations in s2083-3

ARTICLE 1	HIGHER EDUCATION APPROPRIATIONS	Page.Ln 1.29
ARTICLE 2	RELATED HIGHER EDUCATION PROVISIONS	Page.Ln 21.17
ARTICLE 3	DENTAL THERAPISTS	Page.Ln 43.3

136A.127 ACHIEVE SCHOLARSHIP PROGRAM.

Subd. 8. **Documentation of qualifying household income.** Achieve scholarship program applicants must certify on the application that they meet the income eligibility requirement in subdivision 4, clause (3). The Office of Higher Education or the postsecondary institution may request documentation needed to confirm income eligibility.

Subd. 12. **Availability of scholarship funds.** A scholarship earned by a student is available for four years immediately following high school graduation. The office must certify to the commissioner of finance by October 1 of each year the amounts to be canceled from scholarship eligibility that have expired.

Subd. 13. **Disbursement of scholarships.** The office shall make two equal payments to a postsecondary institution on behalf of the student. After the student successfully completes the first term of enrollment, the second payment must be made during the student's next term of enrollment at an eligible institution. If the second disbursement is not within the same academic year as the first disbursement, the student must request the second disbursement.

150A.061 ORAL HEALTH PRACTITIONER.

Subdivision 1. **Oral health practitioner requirements.** The board shall authorize a person to practice as an oral health practitioner if that person is qualified under this section, works under the supervision of a Minnesota-licensed dentist pursuant to a written collaborative management agreement, is licensed by the board, and practices in compliance with this section and rules adopted by the board. No oral health practitioner shall be authorized to practice prior to January 1, 2011. To be qualified to practice under this section, the person must:

(1) be a graduate of an oral health practitioner education program that is accredited by a national accreditation organization to the extent required under subdivision 2 and approved by the board;

(2) pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing oral health practitioner education; and

(3) satisfy the requirements established in this section and by the board.

Subd. 2. **Education program approval.** If a national accreditation program for midlevel practitioners is established by the Commission on Dental Accreditation or another national accreditation organization, the board shall require that an oral health practitioner be a graduate of an accredited education program.

Subd. 3. **Requirement to practice in underserved areas.** As a condition of being granted authority to practice as an oral health practitioner under this section, the practitioner must agree to practice in settings serving low-income, uninsured, and underserved patients or in a dental health professional shortage area as determined by the commissioner of health.

Subd. 4. **Application of other laws.** An oral health practitioner authorized to practice under this section is not in violation of section 150A.05 relating to the unauthorized practice of dentistry and chapter 151 relating to authority to prescribe, dispense, or administer drugs.

Subd. 5. **Rulemaking.** The Board of Dentistry may adopt rules to implement this section.