

an individual as defined by section 62E.02, subdivision 8. This section shall not apply where a collectively bargained contract provides for mandatory participation in a group life insurance plan. This section shall not apply to any insurance purchased or carried for the purpose of buying or selling any part of employer, its shares, its assets or its business. This section shall not apply to any insurance purchased or carried by any pension, profit-sharing or other retirement plan or trust.

Approved May 20, 1977.

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CHAPTER 193—S.F.No.562

[Coded in Part]

*An act relating to the practice of chiropractic; prescribing academic requirements for licensure, grounds for disciplinary action, and penalties; amending Minnesota Statutes 1976, Sections 148.06, Subdivision 1; and 148.10, Subdivision 1, and by adding a subdivision.*

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

Section 1. Minnesota Statutes 1976, Section 148.06, Subdivision 1, is amended to read:

**148.06 CHIROPRACTORS; APPLICATION; EXAMINATION; LICENSE; FEE.**  
 Subdivision 1. **LICENSE REQUIRED; QUALIFICATIONS.** No person shall practice chiropractic in this state without first being licensed by the state board of chiropractic examiners. The applicant shall have earned at least one-half of all academic credits required for awarding of a baccalaureate degree from the university of Minnesota, or other university, college or community college of equal standing, in subject matter determined by the board, and taken a four-year resident course of at least eight months each in a school or college of chiropractic that is accredited by, or has accreditation status with, the council on chiropractic education or ~~association of chiropractic colleges~~ an agency approved by the United States office of education or their successors ~~wherein the curriculum includes instruction in the following branches: anatomy, physiology, symptomatology, pathology, hygiene, dietetics, diagnoses, urinalysis, chiropractic orthopedy, intellectual adaption, and the science and art of chiropractic.~~ The board may recommend a two-year prechiropractic course of instruction to any university, college or community college which in its judgment would satisfy the academic prerequisite for licensure as established by this section.

An examination for a license shall be in writing and shall include testing in:

(a) The basic sciences including but not limited to anatomy, physiology, bacteriology, pathology, hygiene, and chemistry as related to the human body or mind;

(b) The clinical sciences including but not limited to the science and art of chiropractic, chiropractic physiotherapy, diagnosis, roentgenology and nutrition; and

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(c) Professional ethics and any other subjects that the board may deem advisable.

The board may consider a valid certificate of examination from the National Board of Chiropractic Examiners as evidence of compliance with the written examination requirements of this subdivision. The applicant shall be required to give practical demonstration in vertebral palpation, nerve tracing, ~~and adjusting and any other subject that the board may deem advisable.~~ A license, counter-signed by the members of the board and authenticated by the seal thereof, shall be granted to each applicant who ~~shall~~ correctly ~~answer~~ answers 75 percent of the questions propounded in each of the ~~above~~ subjects required by this subdivision and meets the standards of practical demonstration established by the board. Each application shall be accompanied by a fee set by the board. The fee shall not be returned in the event of failure to pass, but the applicant may, within one year, present himself for examination without the payment of an additional fee. The board may ~~waive the written examination and may grant a license to an applicant who holds a valid certificate from the national board of chiropractic examiners, provided such license to practice chiropractic issued by the appropriate licensing board of another state or country, provided the applicant meets the other requirements of this section and satisfactorily passes the practical examination before the board.~~

Sec. 2. Minnesota Statutes 1976, Section 148.10, Subdivision 1, is amended to read:

148.10 **LICENSES REVOKED; NEW LICENSES.** Subdivision 1. **GROUND.** The state board of chiropractic examiners may refuse to grant, or may revoke, suspend, condition, limit, restrict or qualify a license to practice chiropractic, or may cause the name of a person licensed to be removed from the records in the office of the clerk of the district court for:

(1) The publishing or distributing, or causing to be published or distributed, in newspapers, magazines, directories, pamphlets, posters, cards, or in any other manner by advertisement, wherein the term "cure" or "guarantee to cure" or similar terms are used; which is hereby declared to be fraudulent and misleading to the general public;

(2) The employment of fraud or deception in applying for a license or in passing the examination provided for in section 148.06;

(3) The practice of chiropractic under a false or assumed name or the impersonation of another practitioner of like or different name;

(4) The conviction of a crime involving moral turpitude;

(5) Habitual intemperance in the use of ~~ardent spirits, narcotics, or stimulants~~ alcohol or drugs;

(6) Failure to pay the annual renewal license fee herein provided;

(7) ~~Professional misconduct.~~ Advanced physical or mental disability;

(8) The revocation or suspension of a license to practice chiropractic; or other  
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disciplinary action against the licensee; or the denial of an application for a license by the proper licensing authority of another state, territory or country;

(9) The violation of, or failure to comply with, the provisions of sections 148.01 to 148.101, the rules of the state board of chiropractic examiners, or a lawful order of the board; or

(10) Unprofessional conduct.

For the purposes of clause (4), conviction shall be deemed to include a criminal proceeding in which a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered.

For the purposes of clauses (4) and (5), a copy of the judgment or proceeding under seal of the clerk of the court or of the administrative agency which entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of its contents.

For the purposes of clause (10), unprofessional conduct means any unethical, deceptive or deleterious conduct or practice harmful to the public, any departure from or the failure to conform to the minimal standards of acceptable chiropractic practice, or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts of a chiropractor:

(a) Gross ignorance of, or incompetence in, the practice of chiropractic;

(b) Making suggestive, lewd, lascivious or improper advances to a patient;

(c) Performing unnecessary services;

(d) Charging a patient an unconscionable fee or charging for services not rendered;

(e) Directly or indirectly engaging in threatening, dishonest, or misleading fee collection techniques;

(f) Perpetrating fraud upon patients, third party payers, or others, relating to the practice of chiropractic; and

(g) Any other act that the board by rule may define.

Sec. 3. Minnesota Statutes 1976, Section 148.10, is amended by adding a subdivision to read:

Subd. 3. REPRIMAND; PENALTIES; PROBATION. In addition to the other powers granted to the board under chapter 148, the board may, in connection with any person whom the board, after a hearing, adjudges unqualified or whom the board, after a hearing, finds to have performed one or more of the acts described in subdivision 1:

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(a) Publicly reprimand or censure the person; and

(b) Place the person on probation for the period and upon the terms and conditions that the board may prescribe.

Approved May 20, 1977.

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CHAPTER 194—S.F.No.581

*An act relating to insurance; regulating licensing procedures; amending Minnesota Statutes 1976, Section 60A.17, Subdivision 2.*

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

Section 1. Minnesota Statutes 1976, Section 60A.17, Subdivision 2, is amended to read:

Subd. 2. **INSURANCE; LICENSE PROCEDURE AND REQUIREMENTS.** (1) A license to any person to act as insurance agent shall only be granted by the commissioner, upon the written requisition of an insurer, to a qualified person.

(2) To become qualified, a person shall complete a written application furnished by the commissioner, and he shall take and pass the examination prescribed for one or more of the following lines of insurance: fire and marine, automobile, accident and health, life, general casualty, fidelity and surety, farm property perils and farm liability. The examination shall be given only after the applicant has completed a program of studies in a school, which shall include a school conducted by an admitted insurer, a correspondence course given by an admitted insurer, or other such course of study. Said course of study shall consist of a minimum of 20 hours study for each line for which a license application is made. If the applicant has been previously licensed for the particular line of insurance in the state of Minnesota, the requirement of a program of studies or a study course shall be waived. A certification of compliance by an admitted insurer shall accompany the agent's license application. This program of studies in a school or a study course shall not apply to farm property perils and farm liability applicants, or to agents writing such other lines of insurance as the commissioner may exempt from examination by directive.

(3) Prior to his taking the examination, the applicant shall transmit to the commissioner of insurance, by money order or cashier's check payable to the state treasurer, a fee prescribed by section 60A.14, subdivision 1, (3) (h). If an applicant pays an examination fee and within ~~one year~~ six months from the date of that payment does not either make a written request for a refund or take the examination for which the fee was paid, that fee is forfeited to the state of Minnesota.

(4) (a) ~~The~~ A license issued shall ~~expire~~ expire May 31 of each year, unless renewed by written request of the insurer with payment of renewal fee as prescribed by

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