

forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short rate table filed with the commissioner.

(9) **MEDICAL BENEFITS.** If the policy contains a provision for medical expense benefits, the term "medical benefits" or similar terms as used therein shall include treatments by all licensed practitioners of the healing arts unless, subject to the qualifications contained in clause (10), the policy specifically states the practitioners whose services are covered. ~~If the insurer offers a policy containing a provision for medical expense benefits, it shall offer as a part thereof an optional rider or endorsement which defines such benefits as including treatments by all licensed practitioners of the healing arts.~~

(10) **OSTEOPATH, OPTOMETRIST OR CHIROPRACTOR SERVICES.** With respect to any policy of individual accident and sickness insurance issued or entered into subsequent to the effective date of this act, notwithstanding the provisions of any such policy, wherever therein there is a provision providing for reimbursement for any service which is in the lawful scope of practice of a duly licensed osteopath, optometrist or chiropractor, the person entitled to benefits or person performing services under such policy shall be entitled to reimbursement on an equal basis for such service, whether the said service is performed by a physician, osteopath, optometrist or chiropractor duly licensed under the laws of this state.

Approved February 5, 1974.

CHAPTER 31-H.F.No.284

An act relating to the practice of medicine; physicians, surgeons, and osteopaths; licensing thereof; amending Minnesota Statutes 1971, Section 147.021, Subdivision 1.

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

Section 1. Minnesota Statutes 1971, Section 147.021, Subdivision 1, is amended to read:

147.021 **PHYSICIANS, SURGEONS AND OSTEOPATHS; LICENSES; REFUSAL TO GRANT LICENSE, SUSPENSION OR REVOCATION OF LICENSE.** Subdivision 1. The board may refuse to grant a license to, or may suspend, revoke, condition, limit, qualify or restrict the license, whether granted under chapter 147 or under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963, of any person whom such board, after a hearing, adjudges unqualified or who the board determines after such a hearing is any one or more of the following:

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(a) a person who fails to demonstrate the qualifications or satisfy the standards for a license contained in chapter 147 or rules and regulations of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such standards.

(b) a person who makes misleading, deceptive, untrue or fraudulent representations in the practice of medicine or who employs a trick or scheme in the practice of medicine or fraud or deceit in obtaining a license to practice medicine.

(c) a person who is convicted of a felony in the courts of this state or any other state, territory or country. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) a person whose license to practice medicine has been revoked, suspended, annulled or with regard to whom disciplinary action has been taken or whose application for a license has been denied by the proper licensing authority of another state, territory or country.

In clauses (c) and (d) a copy of the judgment or proceeding under the 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 the contents thereof.

(e) a person who advertises in any manner, either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document, professional superiority to or greater skill than that possessed by another doctor of medicine or another doctor of osteopathy licensed to practice medicine under chapter 147, or the positive cure of any disease, or the curing of venereal diseases, the restoration of "lost manhood," the treatment of private disease, peculiar to men or women, or advertises or holds himself out to the public in any manner as a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse, or excessive indulgences, or advertises any medicine or any means whereby the monthly periods of women may be regulated or the menses reestablished, or is employed by or is in the service of any person, concern, actual or pretended, so advertising, or in any manner creates a fear of private diseases.

(f) a person who violates a lawful rule or regulation promulgated by the board or violates a lawful order of the board, previously entered by the board in a disciplinary hearing.

(g) a person who engages in any unethical, deceptive or deleterious conduct or practice harmful to the public, or who demonstrates a

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willful or careless disregard for the health, welfare or safety of his patients, in any of which cases, proceeding proof of actual injury need not be established.

(h) a person who procures, aids, or abets in the procuring of a criminal abortion.

(i) a person who violates a statute or law of this state or of any other state or of the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine or in part regulates the practice of medicine.

(j) a person who has been adjudged mentally incompetent, mentally ill or mentally deficient, or adjudged to be a drug dependent person, an inebriate person, a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) a person who is guilty of immoral or unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established; or the commission by a physician of any act contrary to honesty, justice or good morals, whether the same is committed in the course of his practice or otherwise, and whether committed within or without this state.

(l) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, ~~excessive~~ use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this clause the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

For the purpose of this clause, every physician licensed under chapter 147 who shall accept the privilege to practice medicine in this state and be so practicing shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.

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In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

(n) a person who is convicted of an offense involving moral turpitude.

(o) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

Approved February 5, 1974.

CHAPTER 32—H.F.No.371

An act relating to crimes and criminals; providing minimum sentences for certain felonies; amending Minnesota Statutes 1971, Section 609.11.

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

Section 1. Minnesota Statutes 1971, Section 609.11, is amended to read:

609.11 CRIMES AND CRIMINALS; SENTENCING; MINIMUM TERMS OF IMPRISONMENT. Subdivision 1. All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law and except that any commitment for a felony wherein the intent of the defendant is an element of proof and wherein the defendant had in his possession a firearm at the time of the offense; and that any commitment for discharge of an explosive, explosive device or incendiary device; shall be for a term of not less than three years; commitment following conviction wherein the defendant had in his possession a firearm or used a dangerous weapon at the time of the offense shall be for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, and such person shall not be eligible for parole until he shall have served the full minimum sentence herein provided, notwithstanding the provisions of Minnesota Statutes, Sections 242.19, 243.05 and 609.12. The offenses for which mandatory minimum sentences shall be served as herein provided are: aggravated assault, burglary, kidnapping, manslaughter, murder in the second or third degree, rape, robbery, sodomy, escape while under charge or conviction of a felony, or discharge of an explosive or incendiary device.

Provided, however, the court may invoke the provisions of Minne-

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