A bill for an act
relating to licensing occupations; providing health-related licensing boards with
the authority to take disciplinary action against a health care professional for
participating in torture or cruel, inhuman, degrading treatment or punishment;
proposing coding for new law in Minnesota Statutes, chapter 214.

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

Section 1. [214.45] DISCIPLINARY ACTION FOR THE PRACTICE OF
TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR
PUNISHMENT.

Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
subdivision have the meanings given them.

(b) "Cruel, inhuman, or degrading treatment or punishment" means an act of a person
who commits or conspires to commit or attempts to commit an act specifically intended to
inflict severe or serious physical or mental pain or suffering upon another person who is
within the custody or control of the person committing the act, and includes the holding of
a detained or imprisoned person in conditions which deprives the person, temporarily or
permanently, of the use of the person's natural senses or the person's awareness of place
and the passing of time. For purposes of this section, this definition does not include pain
and suffering arising from, inherent in, or incidental to lawful sanctions.

(c) "Health care professionals" means individuals who are licensed by and under the
regulatory jurisdiction of a licensing board.

(d) "Licensing boards" means the Board of Medical Practice established pursuant
to section 147.01, the Board of Nursing established pursuant to section 148.181, the
Board of Psychology established pursuant to section 148.90, the Board of Behavioral
Health and Therapy established pursuant to section 148.51, and the Board of Social Work

established pursuant to section 148E.025.

(e) "Torture" means any act by which severe pain or suffering, whether physical or

mental, is intentionally inflicted on a person for the purpose of obtaining information or a

confession from the person or from another person; punishing a person or another person

for an act that the person or another person has committed or is suspected of having

committed; intimidating or coercing the person or another person; or for any other reason

based on discrimination of any kind, when the pain or suffering is inflicted by or at the

instigation of or with the consent or acquiescence of a public official or other person acting

in an official capacity. For purposes of this section, this definition does not include pain or

suffering arising from, inherent in, or incidental to lawful sanctions.

Subd. 2. Disciplinary action. A licensing board may take disciplinary action

against a health care professional who tolerates, approves, condones, or participates in the

practice of torture or cruel, inhuman, or degrading treatment or punishment; knowingly

provides the premises, instruments, substances, or knowledge to facilitate the practice

of torture or cruel, inhuman, or degrading treatment or punishment; or is voluntarily

present during any procedure in which torture or cruel, inhuman, or degrading treatment

or punishment is used or is threatened to be used.

Subd. 3. Notification. (a) Each licensing board shall provide notification to each

health professional who is licensed by the board that any licensee who tolerates, approves,

condones, or participates in the practice of torture or cruel, inhuman, or degrading

treatment or punishment; knowingly provides the premises, instruments, substances, or

knowledge to facilitate the practice of torture or cruel, inhuman, or degrading treatment

or punishment; or is voluntarily present during any procedure in which torture or cruel,

inhuman, or degrading treatment or punishment is used or is threatened to be used,

may be subject to disciplinary action by the licensing board and may risk international

or federal criminal prosecution.

(b) Notification by the licensing boards may be provided through newsletter, e-mail,

Web site, or other notification processes that the board deems appropriate.

Subd. 4. Exception. Notwithstanding sections 148B.592, subdivision 3; 147.09;

and 148E.065, this section applies to all health care professionals who are employed or

commissioned by a government agency or department, federal institution, or the armed

forces of the United States, if that employer or entity requires the health care professional

to obtain a state license as a condition of employment, to practice within their specific

health care occupation, or to perform their official duties.