

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

2.1 Health and Therapy established pursuant to section 148.51, and the Board of Social Work
2.2 established pursuant to section 148E.025.

2.3 (e) "Torture" means any act by which severe pain or suffering, whether physical or
2.4 mental, is intentionally inflicted on a person for the purpose of obtaining information or a
2.5 confession from the person or from another person; punishing a person or another person
2.6 for an act that the person or another person has committed or is suspected of having
2.7 committed; intimidating or coercing the person or another person; or for any other reason
2.8 based on discrimination of any kind, when the pain or suffering is inflicted by or at the
2.9 instigation of or with the consent or acquiescence of a public official or other person acting
2.10 in an official capacity. For purposes of this section, this definition does not include pain or
2.11 suffering arising from, inherent in, or incidental to lawful sanctions.

2.12 Subd. 2. **Disciplinary action.** A licensing board may take disciplinary action
2.13 against a health care professional who tolerates, approves, condones, or participates in the
2.14 practice of torture or cruel, inhuman, or degrading treatment or punishment; knowingly
2.15 provides the premises, instruments, substances, or knowledge to facilitate the practice
2.16 of torture or cruel, inhuman, or degrading treatment or punishment; or is voluntarily
2.17 present during any procedure in which torture or cruel, inhuman, or degrading treatment
2.18 or punishment is used or is threatened to be used.

2.19 Subd. 3. **Notification.** (a) Each licensing board shall provide notification to each
2.20 health professional who is licensed by the board that any licensee who tolerates, approves,
2.21 condones, or participates in the practice of torture or cruel, inhuman, or degrading
2.22 treatment or punishment; knowingly provides the premises, instruments, substances, or
2.23 knowledge to facilitate the practice of torture or cruel, inhuman, or degrading treatment
2.24 or punishment; or is voluntarily present during any procedure in which torture or cruel,
2.25 inhuman, or degrading treatment or punishment is used or is threatened to be used,
2.26 may be subject to disciplinary action by the licensing board and may risk international
2.27 or federal criminal prosecution.

2.28 (b) Notification by the licensing boards may be provided through newsletter, e-mail,
2.29 Web site, or other notification processes that the board deems appropriate.

2.30 Subd. 4. **Exception.** Notwithstanding sections 148B.592, subdivision 3; 147.09;
2.31 and 148E.065, this section applies to all health care professionals who are employed or
2.32 commissioned by a government agency or department, federal institution, or the armed
2.33 forces of the United States, if that employer or entity requires the health care professional
2.34 to obtain a state license as a condition of employment, to practice within their specific
2.35 health care occupation, or to perform their official duties.