

- 1.1 ..... moves to amend S.F. No. 2546; H.F. No. ...., as follows:
- 1.2 Page 1, delete section 2
- 1.3 Page 1, delete section 3
- 1.4 Page 1, line 15, after "means" insert "an individual licensed as an" and after "nurse"  
1.5 insert "by the board of nursing"
- 1.6 Page 1, line 16, after the period insert "The APRN must practice within the scope of  
1.7 the individual's professional licensure."
- 1.8 Page 4, line 25, after "means" insert "an individual licensed as an" and after "nurse"  
1.9 insert "by the board of nursing"
- 1.10 Page 4, line 26, after the period insert "The APRN must practice within the scope of  
1.11 the individual's professional licensure."
- 1.12 Page 5, line 6, after "means" insert "an individual licensed as an" and after "nurse" insert  
1.13 "by the board of nursing"
- 1.14 Page 5, line 7, after the period insert "The APRN must practice within the scope of the  
1.15 individual's professional licensure."
- 1.16 Page 5, delete section 9
- 1.17 Page 8, delete section 13
- 1.18 Page 8, line 19, after "means" insert "an individual licensed as an" and after "nurse"  
1.19 insert "by the board of nursing"
- 1.20 Page 8, line 20, after the period insert "The APRN must practice within the scope of  
1.21 the individual's professional licensure."
- 1.22 Page 10, delete section 18
- 1.23 Page 10, line 1, strike "licensed chiropractors, " and delete "APRNs, " and strike "or  
1.24 licensed psychologists "
- 1.25 Page 10, line 2, strike everything before " who"
- 1.26 Page 10, line 11, after "means" insert "an individual licensed as an" and after "nurse"  
1.27 insert "by the board of nursing"
- 1.28 Page 10, line 12, after the period insert "The APRN must practice within the scope of  
1.29 the individual's professional licensure."
- 1.30 Page 11, delete section 19 and insert:

2.1 "Sec. 14. Minnesota Statutes 2020, section 354A.011, is amended by adding a subdivision  
2.2 to read:

2.3 Subd. 14b. **Medical expert.** "Medical expert," for purposes of section 354A.36, means  
2.4 a licensed physician, licensed chiropractor, APRN, or licensed psychologist, in each case  
2.5 working within the scope of the individual's professional licensure.

2.6 Sec. 15. Minnesota Statutes 2020, section 354A.36, subdivision 4, is amended to read:

2.7 Subd. 4. **Determination of disability.** (a) The board of the teachers retirement fund  
2.8 association shall make the final determination of the existence of a permanent and total  
2.9 disability. The board shall have the coordinated member examined by at least two ~~licensed~~  
2.10 ~~physicians, licensed chiropractors, or licensed psychologists who are selected by the board~~  
2.11 medical experts. After making ~~any a~~ required examinations examination, each ~~physician,~~  
2.12 ~~chiropractor, or psychologist with respect to a mental impairment,~~ medical expert shall  
2.13 make a written report to the board concerning the coordinated member, which shall include  
2.14 a ~~statement~~ an opinion of the medical expert ~~opinion of the physician, chiropractor, or~~  
2.15 ~~psychologist~~ as to whether or not the member is permanently and totally disabled within  
2.16 the meaning of section 354A.011, subdivision 14. The board shall also obtain a written  
2.17 statement from the employer as to whether or not the coordinated member was terminated  
2.18 or separated from active employment due to a disability which is deemed by the employer  
2.19 to reasonably prevent further service by the member to the employer and which caused the  
2.20 coordinated member not to be entitled to further compensation from the employer for services  
2.21 rendered by the member. If, after consideration of the reports of the ~~physicians, chiropractors,~~  
2.22 ~~or psychologists with respect to a mental impairment~~ medical experts and any medical  
2.23 advisor retained by the board under subdivision 4a, the employer statement, and any evidence  
2.24 presented by the member or by any other interested parties, the board determines that the  
2.25 coordinated member is totally and permanently disabled within the meaning of section  
2.26 354A.011, subdivision 14, # the board shall grant the coordinated member a disability  
2.27 benefit. A member who is placed on a leave of absence without compensation as a result  
2.28 of the disability is not barred from receiving a disability benefit under this section.

2.29 (b) The executive director shall reject an application for disability benefits under section  
2.30 354A.36 if the member is applying only because an employer-sponsored provider of private  
2.31 disability insurance benefits requires the application and the member would not have applied  
2.32 for disability benefits in the absence of the requirement. The member shall submit a copy  
2.33 of the disability insurance policy that requires an application for disability benefits from

3.1 the plan if the member wishes to assert that the application is only being submitted because  
3.2 of the disability insurance policy requirement.

3.3 Sec. 16. Minnesota Statutes 2020, section 354A.36, is amended by adding a subdivision  
3.4 to read:

3.5 Subd. 4a. **Medical advisor; duties.** The executive director may contract with an  
3.6 independent medical expert or an accredited organization specializing in disability  
3.7 determinations to serve as a medical advisor to the board. The medical advisor shall review  
3.8 all expert reports based on any examinations performed in order to determine whether a  
3.9 coordinated member is totally and permanently disabled as defined in section 354A.11,  
3.10 subdivision 14. The medical advisor shall also investigate all health and medical statements  
3.11 and certificates by or on behalf of a member in connection with a disability benefit and shall  
3.12 report in writing to the board, setting forth any conclusions and recommendations on all  
3.13 matters referred to the medical advisor. The board shall have sole discretion to select the  
3.14 appropriate licensed medical professional or organization to serve as the medical advisor.

3.15 Sec. 17. Minnesota Statutes 2020, section 354A.36, subdivision 6, is amended to read:

3.16 **Subd. 6. Requirement for regular physical examinations.** At least once each year  
3.17 during the first five years following the granting of a disability benefit to a coordinated  
3.18 member ~~by the board~~ and at least once in every three-year period thereafter, the board may  
3.19 require the disability benefit recipient to undergo an expert examination ~~as a condition for~~  
3.20 ~~continued entitlement of the benefit recipient to receive a disability benefit. If the board~~  
3.21 ~~requires an examination, the expert examination must be made at the place of residence of~~  
3.22 ~~the disability benefit recipient or at any other place mutually agreeable to the disability~~  
3.23 ~~benefit recipient and the board. The expert examination must be made by a physician or~~  
3.24 ~~physicians, by a chiropractor or chiropractors, or by one or more psychologists~~ medical  
3.25 expert engaged by the board, in its sole discretion. The physician or physicians, the  
3.26 ~~chiropractor or chiropractors, or the psychologist or psychologists with respect to a mental~~  
3.27 ~~impairment, medical expert conducting the expert examination shall make a written report~~  
3.28 to the board concerning the disability benefit recipient and the recipient's disability, including  
3.29 a statement of the expert medical expert's opinion ~~of the physician, chiropractor, or~~  
3.30 ~~psychologist~~ as to whether or not the member remains permanently and totally disabled  
3.31 within the meaning of section 354A.011, subdivision 14. If the board determines from  
3.32 consideration of the ~~written expert examination~~ medical expert's report of the physician, of  
3.33 ~~the chiropractor, or of the psychologist, with respect to a mental impairment,~~ that the  
3.34 disability benefit recipient is no longer permanently and totally disabled ~~or if the board~~

4.1 ~~determines~~ that the benefit recipient is engaged or is able to engage in a gainful occupation,  
4.2 unless the disability benefit recipient is partially employed under subdivision 7, then further  
4.3 disability benefit payments from the fund must be discontinued within 60 days of the  
4.4 determination by the board. The discontinuation of disability benefits must occur immediately  
4.5 if the disability recipient is reinstated to the district payroll following sick leave ~~and within~~  
4.6 ~~60 days of the determination by the board following the expert examination and report of~~  
4.7 ~~the physician or physicians, chiropractor or chiropractors, or psychologist or psychologists~~  
4.8 ~~engaged by the board that the disability benefit recipient is no longer permanently and totally~~  
4.9 ~~disabled within the meaning of section 354A.011, subdivision 14."~~

4.10 Page 12, line 2, delete "19" and insert "17"

4.11 Renumber the sections in sequence and correct the internal references

4.12 Amend the title accordingly