

**A BILL TO BE  
ENTITLED AN ACT  
In the  
State of Minnesota**

**LICENSURE OF EXERCISE PHYSIOLOGISTS**

**Definitions.**

Subdivision 1. **Accredited program of exercise physiology.** "Means a university or college accredited program of exercise physiology" approved by the Board of Accreditation of the American Society of Exercise Physiologists.

Subd. 2. **Applicant.** "Applicant" means a person who has submitted an application, with the appropriate fee, for licensure by the board.

Subd. 3. **ASEP-EPC.** "ASEP-EPC" means the "Exercise Physiologist Certified (EPC) exam administered by the Board of Certification for Exercise Physiology that exists within the administrated framework of the American Society of Exercise Physiologists (ASEP), a not-for-profit corporation organized under section 501(c)(4) of the Internal Revenue Code.

Subd. 4. **Board.** "Board" means the board of medical practice or its designee.

Subd. 5. **Cardiovascular physiology profile.** "Cardiovascular physiology profile" means the development, analysis, and application of physiological data, including but not limited to, heart rate, blood pressure, oxygen consumption, cardiac output, stroke volume, arteriovenous oxygen difference, mean arterial pressure, systemic vascular resistance, double product, estimated myocardial oxygen consumption, and other related musculoskeletal (strength, muscle endurance, and flexibility) responses at rest and during exercise for the purpose of ascertaining the benefits of exercise or for evaluating the role of various experimental conditions (such as massage, types of running shoes worn during exercise, and similar types of research) on the acute responses to physical activity and/or chronic adaptations to regular exercise.

Subd. 6. **Client.** "Client" means an individual, couple, family, group, organization, or community that receives, received, or should have received services from an applicant or a licensee.

Subd. 7. **Credential.** "Credential" means a license or other evidence of qualification (such as the ASEP-EPC authorization) to engage in exercise physiology practice in this state or any other state.

Subd. 8. **Credentialing examination.** "Credentialing examination" means an examination administered by the ASEP Board for Certification that may result in the "certification" and

subsequent licensure of an exercise physiologist. The examination consists of two parts. The first part is a multiple-choice written test, and the second part is a hands-on laboratory test. The candidate must make 70% on the exam to pass it.

Subd. 9. **Compensation.** "Compensation" means a fee, salary, reward, payment, or the expectation of payment from a subject, patient, client or a client's agent, insurer, employer, or other representative for providing exercise physiology services.

Subd. 10. **Exercise physiology.** "Exercise physiology" means the identification of physiological mechanisms underlying physical activity, the comprehensive delivery of treatment services concerned with the analysis, improvement, and maintenance of health and fitness, rehabilitation of heart disease and other chronic diseases and/or disabilities, and the professional guidance and counsel of athletes and others interested in athletics, sports training, and human adaptability to acute and chronic exercise.

Subd. 11. **Exercise physiologist.** "Exercise physiologist" means a person who has passed the ASEP-"Exercise Physiologist Certified" exam.

Subd. 12. **Exercise physiologist certified.** No person shall use the title "Exercise Physiologist Certified" or practice exercise physiology, whether or not compensation is received or expected, unless he/she holds a valid ASEP national certification (defined as the EPC certification). The EPC professional acknowledgement and registration with ASEP grants the individual with appropriate credentials, including ASEP designated academic course work, internship hours, hands-on experiences, successful completion of the EPC examination, and appropriate professional conduct, the ASEP authorization of the title "Exercise Physiologist". Certified Exercise Physiologists are committed to health and fitness promotion programs, private homes and community agencies, community integration with corporate wellness and training centers, cardiac and pulmonary rehabilitation, universities, industrial settings, retail businesses, professional lifestyle managers, and research activities.

Subd. 13. **Exercise physiology internship.** "Exercise physiology internship" means supervised, practical, on-the-job training as an intern from an accredited academic college or university.

Subd. 14. **Exercise physiology practitioner.** "Exercise physiology practitioner" means a person licensed to practice exercise physiology.

Subd. 15. **Licensee.** "Licensee" means a person licensed by the board.

Subd. 16. **Private practice.** "Private practice" means exercise physiology practice conducted by a licensee practicing within the permissible scope of a license who is either self-employed, or a member of a partnership or of a group practice, rather than being employed by an agency, clinic, or other similar entity.

## **Scope of practice.**

Subdivision 1. **Exercise physiology scope of practice.** “Exercise physiology scope of practice” means the use of laboratory and/or otherwise commercial equipment that enables the exercise physiologist to *exam, analyze, and/or provide instruction* to determine, evaluate, enhance, and/or prevent health and fitness problems, physical disability and/or pain resulting from sedentary and/or lifestyle related factors.

Subd. 2. **Equipment.** Exercise physiologists shall use laboratory and/or commercial equipment (such as treadmills and various ergometers) to perform submaximal and maximal testing to make evaluations, and recommendations regarding, but not limited to:

- (a) metabolic processes;
- (b) cardiorespiratory system (maximal oxygen consumption tests);
- (c) musculoskeletal system (strength and power tests); and
- (d) body composition (percent body fat measurements).

Subd. 3. **Examination, analysis, and/or instruction.** Such “examination, analysis, and/or instruction” will be done for the purpose of research, counsel, and enhancing athletic performance and improving physical and/or emotional well-being. Nothing in the above description authorizes the exercise physiologist to "diagnose" disease either by using the electrocardiogram or by any means resulting from other exercise physiology laboratory procedures.

Subd. 4. **Exercise physiology examination.** “Exercise physiology examination” includes:

- (a) administering a health history questionnaire;
- (b) practical laboratory evaluation;
- (c) assessment of the musculoskeletal system and/or cardiorespiratory system using standard laboratory equipment;
- (d) exercise tests protocols;
- (e) exercise programs;
- (f) risk factor modification; and/or
- (g) measurements to assist in evaluating the overt and/or objective responses, signs, and/or symptoms of cardiovascular dysfunction to incremental exercise. Exercise physiology *examination* of clients does not include examining any person for the purpose of diagnosing any disease or organic condition.

Subd. 5. **Exercise physiology assessments.** “Exercise physiology assessment” includes, but are not limited to, tests that measure body composition, range of motion (flexibility), muscle strength, endurance, work, and power; tests that assist in the overall analysis of the:

- (a) central and/or peripheral components of oxygen consumption;
- (b) components underlying resting and/or exercise energy expenditure;
- (c) tests of pulmonary function;
- (d) tests for exercise prescription;

- (e) tests for cardiorespiratory fitness of individuals with metabolic disorders including, but not limited to deficiencies associated with:
  - (1) cardiovascular system;
  - (2) diabetes;
  - (3) lipid disorders;
  - (4) hypertension;
  - (5) cancer;
  - (6) cystic fibrosis;
  - (7) chronic obstructive and restrictive pulmonary diseases;
  - (8) arthritis;
  - (9) organ transplant;
  - (10) peripheral vascular disease; and
  - (11) obesity
- (f) treadmill or other ergometer test protocols in conjunction with exercise electrocardiography (ECG) to identify the heart rate and ECG responses at rest and during submaximal and maximal (graded) exercise programs in addition to specific contraindications for continuing exercise. Nothing herein, however is intended to preclude exercise physiologists from stress testing and/or using a variety of different ergometers in assessing and/or educating subjects otherwise without known disease or cardiorespiratory limitations.

**Subd. 6. Exercise physiology instruction.** “Exercise physiology instruction” means providing educational, consultative, or other advisory services for the purpose of helping the public with issues and concerns regarding fundamental and scientific information about mind-body health and fitness. “Instruction” includes, but is not limited to:

- (a) the acute physiological responses to exercise;
- (b) chronic physiological adaptations to training;
- (c) designing resistance training programs;
- (d) measuring energy expenditure at rest and during exercise;
- (e) hormonal regulation and/or metabolic adaptations to training;
- (f) cardiorespiratory regulation and adaptation during exercise;
- (g) thermal regulation during exercise;
- (h) exercising at altitude, underwater, and in space;
- (i) optimizing sports training through the use of ergogenic aids and better nutrition;
- (j) appropriate body composition and optimal body weight and the role of each in diabetes and physical activity;
- (k) growth and development of young athletes;
- (l) aging and gender issues;
- (m) preventing cardiovascular disease through exercise;
- (n) prescription of exercise for health and performance;
- (o) biomechanical aspects of posture and sports;
- (p) physiological assessment of human movement;
- (q) stress testing protocols for athletics and special populations;
- (r) resting and exercise electrocardiography;

- (s) biobehavioral techniques for reducing stress and/or increasing running economy; and
- (t) biochemistry of nutrition and exercise.

Subd. 7. **Exercise physiology analysis and treatment.** “Exercise physiology analysis and treatment” includes hands-on contact to perform specific laboratory tests, with specific expectations for 'treatment' measures and activities. This may include, but is not limited to:

- (a) range of motion exercises;
- (b) muscle strength and muscle endurance exercises;
- (c) lean muscle tissue-fat analysis;
- (d) musculoskeletal and/or postural exercises;
- (e) sports nutrition programs;
- (f) sports biomechanics instructions for the enhancement of sports or occupational related skills;
- (g) stress management exercises;
- (h) sports training and the development programs;
- (i) cardiac and pulmonary rehabilitation (including, but not limited to, development of such programs, supervising testing, development of exercise prescription, and other functions such as the education and counseling of patients); and
- (j) exercise physiology instruction that pertains to all forms of sports training and athletics.

## **Licensure.**

Subdivision 1. **Licensure required.** It is unlawful for any person to engage in the practice of exercise physiology without a valid license. Each licensed exercise physiologist shall conspicuously display the license in the place of practice.

Subd. 2. **Designation.** A person licensed under this law shall use the title of licensed exercise physiologist or L.E.P. following the person's name in all forms of advertising, professional literature, and billings. A person may not, in the conduct of an occupation or profession pertaining to the practice of exercise physiology or in connection with the person's name:

- (a) use the words or letters licensed exercise physiologist;
- (b) Minnesota licensed exercise physiologist; or
- (c) any other words, letters, abbreviations; or
- (d) insignia indicating or implying that a person is an exercise physiologist without a license issued under this section.

Subd. 3. **Penalty.** A person who violates this section is guilty of a misdemeanor and subject to discipline.

Subd. 4. **License by reciprocity.** The board shall issue an exercise physiology license to a person:

- (a) who holds a current license as an exercise physiologist from another jurisdiction if the board determines that the standards for licensure in the other jurisdiction meet or exceed the requirements for licensure in **Minnesota**;
- (b) a letter is received from that jurisdiction that the exercise physiologist is in good standing in that jurisdiction; and
- (c) who is credentialed by the American Society of Exercise Physiologists (ASEP) as an Exercise Physiologist Certified (EPC).

Subd. 5. **Licensure requirements.** To be eligible for licensure, an applicant, with the exception of those seeking licensure by reciprocity, must:

- (a) submit a completed application for licensure on forms provided by the board, which must include the applicant's name, social security number, home address and telephone number, and business address and telephone number;
- (b) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;
- (c) submit with the application all fees required;
- (d) sign a waiver authorizing the board to access to the applicant's records in this state or any state in which the applicant has engaged in the practice of exercise physiology;
- (e) the board may ask the applicant to provide any additional information necessary to ensure that the applicant is able to practice with reasonable skill and safety to the public;
- (f) the board may investigate information provided by an applicant to whether the information is accurate and complete;
- (g) the board shall notify an applicant of action taken on the application and the reasons for denying licensure if licensure is denied; and
- (f) submit a notarized copy of a current ASEP-“Exercise Physiologist Certificate” (EPC).

Subd. 6. **Licensure expiration.** Licenses issued under this section expire annually.

Subd. 7. **Renewal.** To be eligible for renewal, an applicant must:

- (a) annually, or as determined by the board, complete a renewal application on a form provided by the board;
- (b) submit the renewal fee;
- (c) provide evidence annually of continuing education; and
- (d) provide documentation of current and active ASEP-EPC certification and, where considered necessary, an applicant shall submit any additional information requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 days after the board's request, or the renewal request is nullified.

Subd. 8. **Licensure renewal notice.** At least 30 days before the license renewal date, the board shall send out a renewal notice to the last known address of the licensee. The notice must include a renewal application and a notice of fees required for renewal. If the licensee does not receive a renewal notice, the licensee must still meet the requirements for registration renewal under this section.

Subd. 9. **Renewal deadline.** The renewal application and fee must be postmarked on or before June 30 of the year of renewal or as determined by the board.

Subd. 10. **Inactive status.** A license may be placed in inactive status upon application to the board and upon payment of an inactive status fee. The board may not renew or restore a license that has lapsed and has not been renewed within two annual license renewal cycles. An inactive license may be reactivated by the license holder upon application to the board. A licensee whose license is canceled for non-renewal must obtain a new license by applying for licensure and fulfilling all the requirements then in existence for the initial license to practice acupuncture in the state of Minnesota. The application must include:

- (a) evidence of current and active ASEP-EPC certification;
- (b) evidence of the certificate holder's payment of an inactive status fee;
- (c) an annual fee; and
- (d) all back fees since previous renewal.

Subd. 11. **Temporary permit.** The board may issue a temporary permit to practice exercise physiology to an applicant eligible for licensure under this section only if the application for licensure is complete, all applicable requirements in this section have been met, and a nonrefundable fee set by the board has been paid. The permit remains valid only until the meeting of the board at which a decision is made on the exercise physiologist's application for licensure.

### **Protected titles and restrictions on use.**

Subdivision 1. **Protected titles.** No individual may use the title "Minnesota licensed exercise physiologist," "exercise physiologist certified," "exercise physiologist," "exercise physiologist practitioner," or use, in connection with the individual's name, the letters "EPC," or any other titles, words, letters, abbreviations, or insignia indicating or implying that the individual is eligible for licensure by the state as an exercise physiologist unless the individual has been registered as an exercise physiologist according to this chapter.

Subd. 2. **Penalty.** A person who violates subdivision 1 is guilty of a gross misdemeanor.

Subd. 3. **Identification of licensed exercise physiologists.** Exercise physiologists licensed in Minnesota who work in hospital and/or clinical settings (such as with cardiac rehabilitation

programs) shall wear name tags that identify them as licensed exercise physiologists while in a professional setting. If not written in full, this must be designated as EPC.

### **Professional development activity requirements.**

Subdivision 1. **ASEP-EPC requirements.** Each licensee is required to meet the ASEP-EPC professional development activity requirements to maintain the licensure status. These requirements may be met through a board approved continuing education program.

Subd. 2. **Board approval.** The board shall approve a continuing education program if the program meets the following requirements:

- (a) it directly relates to the practice of exercise physiology;
- (b) members of the faculty show expertise in the exercise physiology subject matter by holding a degree or certificate from an educational institution, or has verifiable experience in exercise physiology;
- (c) the program lasts at least one contact hour;
- (d) there are specific written objectives describing the goals of the program for the participants; and
- (e) the program sponsor maintains attendance records for four years.

Subd. 3. **Continuing education topics.** Continuing education program topics may include, but are not limited to:

- (a) exercise physiology and laboratory techniques including acute and chronic responses and adaptations to exercise and training, respectively;
- (b) measurement of maximal oxygen consumption and respective components;
- (c) sports nutrition;
- (d) sport biomechanics;
- (e) an application of exercise physiology concepts and ideas to altitude training and aerospace medicine;
- (f) rehabilitation of cardiac and other disease patients;
- (g) health and corporate wellness and fitness evaluations;
- (h) strength and muscular development and assessment for training and competition; athletics and human development; and
- (i) the professionalization of exercise physiology.

Subd. 4. **Verification.** The board shall periodically select a random sample of exercise physiologists and require the exercise physiologists to show evidence of having completed the professional development activities requirements. Either the exercise physiologist, the state, or the national organization that maintains continuing education records may provide the board documentation of the continuing education program.

## **Board action on applications.**

Subdivision 1. **Verification of application information.** The board or exercise physiology advisory council, with the approval of the board, may verify information provided by an application for licensure to determine if the information is accurate and complete.

Subd. 2. **Notification of board action.** Within 120 days of receipt of the application, the board shall notify each applicant in writing of the action taken on the application.

Subd. 3. **Request for hearing by applicant denied.** An applicant denied licensure must be notified of the determination, and the grounds for it, and may request a hearing on the determination by filing a written statement of issues with the board within 20 days after receipt of the notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

## **Exercise physiology advisory council.**

Subdivision 1. **Creation.** The advisory council to the board of medical practice for exercise physiology consists of five members appointed by the board to three-year terms. Three members must be licensed exercise physiologists, one member must be a licensed physician who has worked with exercise physiologists in different professional settings, and one member can anyone from the healthcare community.

Subd. 2. **Administration.** The advisory council is governed by standards rules of committee conduct, except that the council does not expire until June 30<sup>th</sup> of each year.

Subd. 3. **Duties.** The advisory council shall:

- (a) advise the board on issuance, denial, renewal, suspension, revocation, or restricting of licenses to practice exercise physiology;
- (b) advise the board on issues related to receiving, investigating, conducting hearings, and imposing disciplinary action in relation to complaints against exercise physiology practitioners;
- (c) maintain a register of licensed exercise physiologists in the state of Minnesota;
- (d) (4) maintain a record of all advisory council actions;
- (e) prescribe registration application forms, license forms, and protocol forms forms;
- (f) review the patient visit records submitted by applicants during the transition period;
- (g) advise the board regarding standards for exercise physiologists;
- (h) distribute information regarding exercise physiology practice standards;
- (i) review complaints;
- (j) advise the board regarding continuing education programs;

- (k) review the investigation of reports of complaints and recommend to the board whether disciplinary action should be taken; and
- (l) perform other duties authorized by advisory councils, as directed by the board.

### **Professional conduct.**

Subdivision 1. **Practice standards.** Exercise physiologists have a responsibility to read the literature, correctly apply the body of knowledge within the scope of practice, and follow the ASEP Code of Ethics and the Standards of Practice.

Subd. 2. **Practice boundaries.** Exercise physiologists practice only within the boundaries of their competence, as defined by their academic training, hands-on experiences, and/or the ASEP national professional certification.

Subd. 3. **Monitor.** Exercise physiologists monitor their effectiveness as professionals and take steps including, but not limited to, continuing education to maintain a reasonable level of awareness of current scientific and professional information.

Subd. 4. **Standards of conduct.** Exercise physiologists have a responsibility to subjects, patients, clients, and to the agency or institution within which services are performed to maintain high standards of professional conduct.

Subd. 5. **Professional responsibility.** The professional responsibility is to respect the dignity, and mental, physical, and emotional welfare of subjects used in research and/or similar investigative activities, individuals (such as, but not limited to, persons interested in health and fitness promotion, improvement in athletics and sports training programs, and requested laboratory tests to evaluate and develop a lifestyle risk factor plan for reduction in heart disease, obesity, stress, and the management of specific metabolic and/or musculoskeletal dysfunctions), and patients in cardiopulmonary rehabilitation programs, exercise prescriptions, and/or diabetic or hypertension centers.

Subd. 6. **Disclosure.** Disclosure of test results to the subjects, individuals, and/or clients is initiated and performed by exercise physiologists for the purposes of describing, interpreting, comparing, and developing a plan of action consistent with the research-based benefits of service.

Subd. 7. **Records.** Exercise physiologists shall recognize that the records and other pertinent information are confidential, and that the subject, individual, or client has the right to full access of all test results, records, and copies of records. Use of data derived from laboratory tests for purposes of developing a training program, research, or publication is confined to content that is disguised to ensure the anonymity of the subjects, individuals, or clients.

## **Grounds for disciplinary action.**

Subdivision 1. **Grounds listed.** The board may refuse to grant a license or may impose disciplinary action against any exercise physiologist. The following conduct is prohibited and is grounds for disciplinary action:

- (a) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements.
- (b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to:
  - (1) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;
  - (2) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or
  - (3) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

Subd. 2. **Conviction.** “Conviction” means, during the previous five years, of a felony reasonably related to the practice of exercise physiology. 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.

Revocation, suspension, restriction, limitation, or other disciplinary action against the person's license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction.

Subd. 3. **Unethical conduct.** Engaging in any “unethical conduct”; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or exercise physiology practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established.

Subd. 4. **Unprofessional conduct.** Engaging in “unprofessional conduct”. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing exercise physiology practice in which proceeding actual injury to a patient need not be established.

- (d) Inability to practice exercise physiology with reasonable skill and safety to subjects, clients, and/or patients by reason of illness, drunkenness, use of drugs, narcotics,

- chemicals or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills.
- (e) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.
  - (f) Improper management of records, including failure to maintain adequate records, to comply with a subject's, client's, or patient's request made pursuant to action or to furnish a record or report required by law.
  - (g) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.
  - (h) Becoming addicted or habituated to a drug or intoxicant.

**Subd. 5. Disciplinary review.** The board may investigate allegations and impose disciplinary action against an exercise physiologist for a pattern of failure to exercise the degree of care that an exercise physiologist shall be expected under ordinary circumstances. As part of its investigative process, the board shall receive consultation or recommendation from exercise physiologists who are currently engaged in the practice of exercise physiology. The internal and external review processes must be exhausted prior to an allegation being brought under this subdivision. Nothing in this subdivision creates, modifies, or changes existing law related to tort liability for professional negligence. Nothing in this subdivision preempts state peer review law protection in accordance with the licensure of exercise physiologists, federal peer review law, or current law pertaining to complaints or appeals.

**Subd. 6. Automatic suspension.** The following steps shall be taken by the board, in regards to automatic suspension:

- (a) Upon notice to the board of a judgment of, or a plea of guilty to, a felony reasonably related to the practice of exercise physiology subject, client, or patient care, the credentials of the regulated person shall be automatically suspended by the board. The credentials shall remain suspended until, upon petition by the regulated person and after a hearing, the suspension is terminated by the board. The board shall indefinitely suspend or revoke the credentials of the regulated person if, after a hearing, the board finds that the felonious conduct would cause a serious risk of harm to the public.
- (b) For credentials that have been suspended or revoked, the regulated person may be reinstated to practice, either with or without restrictions, by demonstrating clear and convincing evidence of rehabilitation. If the regulated person's conviction is subsequently overturned by court decision, the board shall conduct a hearing to review the suspension within 30 days after receipt of the court decision. The regulated person is not required to prove rehabilitation if the subsequent court decision overturns previous court findings of public risk. The board may, upon majority vote of a quorum of its members, suspend the credentials of a regulated person without a hearing if the regulated person fails to maintain a current name and address with the board, while the regulated person is:
  - (1) under board investigation, and a notice of conference has been issued by the board;

- (2) party to a contested case with the board;
- (3) party to an agreement for corrective action with the board; or
- (4) under a board order for disciplinary action. The suspension shall remain in effect until lifted by the board pursuant to the board's receipt of a petition from the regulated person, along with the regulated person's current name and address.

(c) A person regulated by the board shall maintain a current name and address with the board and shall notify the board in writing within 30 days of any change in name or address. If a name change only is requested, the regulated person must request revised credentials and return the current credentials to the board. The board may require the regulated person to substantiate the name change by submitting official documentation from a court of law or agency authorized under law to receive and officially record a name change. If an address change only is requested, no request for revised credentials is required. If the regulated person's current credentials have been lost, stolen, or destroyed, the person shall provide a written explanation to the board.

**Subd. 7. Effective dates.** A suspension, revocation, condition, limitation, qualification, or restriction of a license shall be in effect pending determination of an appeal unless the court, upon petition and for good cause shown, shall otherwise order. A revocation of a license pursuant is not appealable and shall remain in effect indefinitely.

**Subd. 8. Conditions on reissued license.** In its discretion, the board may restore and reissue a license to practice exercise physiology, but as a condition thereof may impose any disciplinary or corrective measure which it might originally have imposed.

**Subd. 9. Temporary suspension of license.** In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend the license of an exercise physiologist if the board finds that the exercise physiologist has violated a statute or rule which the board is empowered to enforce and continued practice by the exercise physiologist would create a serious risk of harm to the public. The suspension shall take effect upon written notice to the exercise physiologist, specifying the statute or rule violated. The suspension shall remain in effect until the board issues a final order in the matter after a hearing. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing. The exercise physiologist shall be provided with at least 20 days' notice of any hearing held pursuant to this subdivision. The hearing shall be scheduled to begin no later than 30 days after the issuance of the suspension order.

**Subd. 10. Evidence.** In disciplinary actions alleging a violation, a copy of the judgment or proceeding under the seal of the court administrator 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.

**Fees.**

Subdivision 1. **Annual registration fee.** The board shall establish the fee of \$150 for initial licensure and \$150 annual licensure renewal. The board may prorate the initial licensure fee.

Subd. 2. **Penalty fee for late renewals.** The penalty fee for late submission for renewal application is \$50.

Subd. 3. **Nonrefundable fees.** All of the fees in subdivision 1 are nonrefundable.