

**Changes to Continuing Education Laws Applicable To Any  
“License” As Defined by Minn. Stat. § 326B.091, Subd. 3**

**Extracted from Senate File No. 2 2011 Special Session (11-3649)  
Laws of Minnesota 2011, Special Session, Chapter 4, Article 3  
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Note: This portion of Minnesota Statutes 326B has been extracted by the Department of Labor and Industry, Construction Codes and Licensing Division. Although efforts have been made to ensure accuracy this document it is not an official document. The statutes published by the Office of the Revisor of Statutes represent the official statutes of the State of Minnesota. When the official version of these statutes are available, they will be found on the Office of the Revisor’s website at <https://www.revisor.mn.gov/statutes/?id=326B>  
Also Note: The bulk of the previous statutes found in Minn. Stat. § 326B.821, have been renumbered.

326B.091 Definitions

Subdivision 1.**Applicability.**

For purposes of sections 326B.091 to 326B.099, the terms defined in this section have the meanings given them.

Subd. 2.**Applicant.** "Applicant" means a person who has submitted to the department an application for an initial or renewal license.

Subd. 2a. **Appropriate and related knowledge.** "Appropriate and related knowledge" means facts, information, or principles that are clearly relevant to the licensee's responsibilities under a license issued by the commissioner. These facts, information, or principles must convey substantive and procedural knowledge as it relates to postlicensing issues and must be relevant to the technical aspects of a regulated industry.

Subd. 2b. **Classroom hour.** "Classroom hour" means 50 minutes of educational content.

Subd. 2c.**Instructor.** "Instructor" means an individual lecturing in an approved educational offering.

Subd. 3.**License.** "License" means any registration, certification, or other form of approval authorized by this chapter 326B and chapter 327B to be issued by the commissioner or department as a condition of doing business or conducting a trade, profession, or occupation in Minnesota. License includes specifically but not exclusively an authorization issued by the commissioner or department: to perform electrical work, plumbing or water conditioning work, high pressure piping work, or residential building work of a residential contractor, residential remodeler, or residential roofer; to install manufactured housing; to serve as a building official; or to operate a boiler or boat.

Subd. 4. **Licensee.** "Licensee" means the person named on the license as the person authorized to do business or conduct the trade, profession, or occupation in Minnesota.

Subd. 4a. **Medical hardship.** "Medical hardship" means a documented physical disability or medical condition.

Subd. 5. **Notification date.** "Notification date" means the date of the written notification from the department to an applicant that the applicant is qualified to take the examination required for licensure.

Subd. 5a. **Overpayment.** "Overpayment" means any payment of money in excess of a statutory fee.

Subd. 5b. **Qualifying individual.** "Qualifying individual" means the individual responsible for obtaining continuing education on behalf of a residential building contractor, residential remodeler, or residential roofer licensed pursuant to sections 326B.801 to 326B.885.

Subd. 5c. **Regulated industry.** "Regulated industry" means any business, trade, profession, or occupation that requires a license issued under this chapter or chapter 327B as a condition of doing business in Minnesota.

Subd. 6. **Renewal deadline.** "Renewal deadline," when used with respect to a license, means 30 days before the date that the license expires.

Subd. 7. **Sponsor.** "Sponsor" means any person or entity offering or providing approved continuing education.

### **326B.098 CONTINUING EDUCATION**

Subdivision 1. **Department seminars.** This section applies to seminars offered by the department for the purpose of enabling licensees to meet continuing education requirements for license renewal.

Subd. 2. **Rescheduling.** An individual who is registered with the department to attend a seminar may reschedule one time only, to attend the same seminar on a date within one year after the date of the seminar the individual was registered to attend.

Subd. 3. **Fees nonrefundable.** All seminar fees paid to the department are nonrefundable except for any overpayment of fees or if the department cancels the seminar.

### **326B.0981 CONTINUING EDUCATION; NONDEPARTMENT SEMINARS.**

This section applies to seminars that are offered by an entity other than the department for the purpose of enabling licensees to meet continuing education requirements for license renewal.

Subd. 2. **Continuing education approval.** Continuing education courses must be approved in advance by the commissioner of labor and industry.

Subd. 3. **Content.** (a) Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries pursuant to this chapter and other applicable federal and state laws, rules, and regulations. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in subdivision 11. The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

- (b) Except as required for Internet continuing education, course examinations will not be required for continuing education courses.
- (c) If textbooks are not used as part of the course, the sponsor must provide students with a syllabus containing the course title, the times and dates of the course offering, the name, address, telephone number of the course sponsor, the name and affiliation of the instructor, and a detailed outline of the subject materials to be covered. Any written or printed material given to students must be of readable quality and contain accurate and current information.
- (d) Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each classroom hour approved by the commissioner. Each continuing education course must be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.
- (e) Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of the initial presentation. Continuing education credits for completion of an approved course may only be used once for renewal of a specific license.
- (f) Courses will be approved using the following guidelines:
- (1) course content must demonstrate significant intellectual or practical content and deal with matters directly related to the practice in the regulated industry, workforce safety, or the business of running a company in the regulated industry. Courses may also address the professional responsibility or ethical obligations of a licensee related to work in the regulated industry;
  - (2) the following courses may be approved if they are specifically designed for the regulated industry and are in compliance with paragraph (g): (i) courses approved by the Minnesota Board of Continuing Legal Education; or (ii) courses approved by the International Code Council, National Association of Home Building, or other nationally recognized professional organization of the regulated industry; and
  - (3) courses must be presented and attended in a suitable classroom or construction setting, except for Internet education courses which must meet the requirements of subdivision 5a. Courses presented via video recording, simultaneous broadcast, or teleconference may be approved provided the sponsor is available at all times during the presentation, except for Internet education courses which must meet the requirements of subdivision 5a.
- (g) The following courses will not be approved for credit:
- (1) courses designed solely to prepare students for a license examination;
  - (2) courses in mechanical office skills, including typing, speed reading, or other machines or equipment. Computer courses are allowed, if appropriate and related to the regulated industry;
  - (3) courses in sales promotion, including meetings held in conjunction with the general business of the licensee;
  - (4) courses in motivation, salesmanship, psychology, or personal time management;
  - (5) courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed; or
  - (6) courses where any of the educational content of the course is the State Building Code that include code provisions that have not been adopted into the State Building Code unless the course materials clarify that the code provisions have been officially adopted into a future version of the State Building Code and the effective date of enforcement.
- (h) Nothing in this subdivision shall limit an authority expressly granted to the Board of Electricity, Board of High Pressure Piping Systems, or Plumbing Board.

**Subd. 4. Internet continuing education.**

- (a) The design and delivery of an Internet continuing education course must be approved by the International Distance Education Certification Center (IDECC) before the course is submitted for the commissioner's approval. The IDECC approval must accompany the course submitted.
- (b) An Internet continuing education course must:
- (1) specify the minimum computer system requirements;
  - (2) provide encryption that ensures that all personal information, including the student's name, address, and credit card number, cannot be read as it passes across the Internet;
  - (3) include technology to guarantee seat time;
  - (4) include a high level of interactivity;
  - (5) include graphics that reinforce the content;
  - (6) include the ability for the student to contact an instructor or course sponsor within a reasonable amount of time;
  - (7) include the ability for the student to get technical support within a reasonable amount of time;
  - (8) include a statement that the student's information will not be sold or distributed to any third party without prior written consent of the student. Taking the course does not constitute consent;
  - (9) be available 24 hours a day, seven days a week, excluding minimal downtime for updating and administration, except that this provision does not apply to live courses taught by an actual instructor and delivered over the Internet;
  - (10) provide viewing access to the online course at all times to the commissioner, excluding minimal downtime for updating and administration;
  - (11) include a process to authenticate the student's identity;
  - (12) inform the student and the commissioner how long after its purchase a course will be accessible;
  - (13) inform the student that license education credit will not be awarded for taking the course after it loses its status as an approved course;
  - (14) provide clear instructions on how to navigate through the course;
  - (15) provide automatic bookmarking at any point in the course;
  - (16) provide questions after each unit or chapter that must be answered before the student can proceed to the next unit or chapter;
  - (17) include a reinforcement response when a quiz question is answered correctly;
  - (18) include a response when a quiz question is answered incorrectly;
  - (19) include a final examination in which the student must correctly answer 70 percent of the questions;
  - (20) allow the student to go back and review any unit at any time, except during the final examination;
  - (21) provide a course evaluation at the end of the course. At a minimum, the evaluation must ask the student to report any difficulties caused by the online education delivery method;
  - (22) provide a completion certificate when the course and exam have been completed and the provider has verified the completion. Electronic certificates are sufficient and shall include the name of the provider, date and location of the course, educational program identification that was provided by the department, hours of instruction or continuing education hours, and licensee's or attendee's name and license, certification, or registration number or the last four digits of the licensee's or attendee's Social Security number; and
  - (23) allow the commissioner the ability to electronically review the class to determine if credit can be approved.
- (c) The final examination must be either an encrypted online examination or a paper examination that is monitored by a proctor who certifies that the student took the examination.

**Subd. 5. Course approval.** (a) Courses must be approved by the commissioner in advance and will be approved on the basis of the applicant's compliance with the provisions of this section relating to continuing education in the regulated industries. The commissioner shall make the final determination as to the approval and assignment of credit hours for courses. Courses must be at least one hour in length. Licensees requesting credit for continuing education courses that have not been previously approved by the commissioner shall, on a form prescribed by the commissioner, submit an application for approval of continuing education credit accompanied by a nonrefundable fee of \$20 for each course to be reviewed. To be approved, courses must be in compliance with the provisions of this section governing the types of courses that will and will not be approved. Approval will not be granted for time spent on meals or other unrelated activities. Breaks may not be accumulated in order to dismiss the class early. Classes shall not be offered by a provider to any one student for longer than eight hours in one day, excluding meal breaks.

(b) Application for course approval must be submitted on a form approved by the commissioner at least 30 days before the course offering.

(c) Approval must be granted for a subsequent offering of identical continuing education courses without requiring a new application if a notice of the subsequent offering is filed with the commissioner at least 30 days in advance of the date the course is to be held.

The commissioner shall deny future offerings of courses if they are found not to be in compliance with the laws relating to course approval.

**Subd. 6. Courses open to all.** All course offerings must be open to any interested individuals. Access may be restricted by the sponsor based on class size only. Courses shall not be approved if attendance is restricted to any particular group of people, except for company-sponsored courses allowed by applicable law.

**Subd. 7. Course tuition.** Tuition for an approved course of study and related materials must be clearly identified to students. In the event that a course is canceled for any reason, all tuition must be returned within 15 days from the date of cancellation. In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their tuition refunded in full within 15 days from the date of postponement. If a student is unable to attend a course or cancels the registration in a course, sponsor policies regarding refunds shall govern.

**Subd. 8. Facilities.**

Except for Internet education offered pursuant to subdivision 5a, each course of study must be conducted in a classroom or other facility that is adequate to comfortably accommodate the instructors and the number of students enrolled. The sponsor may limit the number of students enrolled in a course.

**Subd. 9. Supplementary materials.**

An adequate supply of supplementary materials to be used or distributed in connection with an approved course must be available at the time and place of the course offering in order to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced must be of readable quality.

**Subd. 10. Advertising courses.** (a) Paragraphs (b) to (g) govern the advertising of continuing education courses.

(b) Advertising must be truthful and not deceptive or misleading. Courses may not be advertised as approved for continuing education credit unless approval has been granted in writing by the commissioner.

(c) Once a course is approved, all advertisement, pamphlet, circular, or other similar materials pertaining to an approved course circulated or distributed in this state, must prominently display the following statement:

"This course has been approved by the Minnesota Department of Labor and Industry for ..... (approved number of hours) hours for ..... (regulated industry) continuing education."

(d) Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.

(e) Continuing education courses may not be advertised before approval unless the course is described in any advertising as "approval pending." The sponsor must verbally notify students before commencement of the course if the course has been denied credit, has not been approved for credit, or has only been approved for partial credit by the commissioner.

(f) The number of hours for which a course has been approved must be prominently displayed on an advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.

(g) The course approval number must not be included in any advertisement.

**Subd. 11. Notice to students.** At the beginning of each approved offering, the following notice must be handed out in printed form or must be read to students:

"This educational offering is recognized by the Minnesota Department of Labor and Industry as satisfying ..... (insert number of hours approved) hours of credit toward (insert regulated industry) continuing education requirements."

**Subd. 12. Falsification of reports or certificates.** A licensee, its qualifying individual, or an applicant found to have falsified an education report or certificate to the commissioner shall be considered to have violated the laws relating to the regulated industry for which the person has a license and shall be subject to the enforcement provisions of section 326B.082. The commissioner reserves the right to audit a licensee's continuing education records.

**Subd. 13. Waivers and extensions.** Upon written proof demonstrating a medical hardship, the commissioner shall extend, for up to 90 days, the time period during which the continuing education must be successfully completed. Requests for extensions must be submitted to the commissioner in writing no later than 60 days before the education is due and must include an explanation with verification of the hardship, plus verification of enrollment at an approved course of study on or before the extension period expires.

**Subd. 14. Reporting requirements.** Continuing education credits must be reported by the sponsor in a manner prescribed by the commissioner. Licensees are responsible for maintaining copies of course completion certificates.

**Subd. 15. Continuing education fees.** The following fees shall be paid to the commissioner:

(1) initial course approval, \$20 for each hour or fraction of one hour of continuing education course approval sought. Initial course approval expires on the last day of the 36th month after the course is approved;

(2) initial sponsor approval, \$100. Initial sponsor approval expires on the last day of the 24th month after the sponsor is approved; and

(3) renewal of sponsor approval, \$100. Renewal of sponsor approval expires on the last day of the 24th month after the sponsor is renewed.

Subd. 16. **Refunds.** All fees paid to the commissioner under this section are nonrefundable, except that an overpayment of a fee shall be returned upon proper application.

Subd. 17. **Renewal of approval.**

The commissioner is authorized to establish a procedure for renewal of course approval.

**326B.099 [This section currently untitled. Title will be determined by the Office of the Revisor ]**

Subdivision. 1. **Course Sponsor**

(a) Each course of study shall have at least one sponsor, approved by the commissioner, who is responsible for supervising the program and ensuring compliance with all relevant law. Sponsors may engage an additional approved sponsor in order to assist the sponsor or to act as a substitute for the sponsor.

(b) Sponsors must submit an application and sworn statement stating they agree to abide by the requirements of this section and any other applicable statute or rule pertaining to continuing education in the regulated industry.

(c) A sponsor may also be an instructor.

(d) Failure to comply with paragraph (b) may result in loss of sponsor approval for up to two years in accordance with section 326B.082.

Subd. 2. **Responsibilities.** A sponsor is responsible for:

(1) ensuring compliance with all laws and rules relating to continuing educational offerings governed by the commissioner;

(2) ensuring that students are provided with current and accurate information relating to the laws and rules governing the regulated industry;

(3) supervising and evaluating courses and instructors. Supervision includes ensuring that all areas of the curriculum are addressed without redundancy and that continuity is present throughout the entire course;

(4) ensuring that instructors are qualified to teach the course offering;

(5) furnishing the commissioner, upon request, with copies of course evaluations. Evaluations must be completed by students at the time the course is offered;

(6) furnishing the commissioner, upon request, with copies of the qualifications of instructors;

(7) investigating complaints related to course offerings or instructors. A copy of the written complaint must be sent to the commissioner within ten days of receipt of the complaint and a copy of the complaint resolution must be sent not more than ten days after resolution is reached;

(8) maintaining accurate records relating to course offerings, instructors, tests taken by students if required, and student attendance for a period of three years from the date on which the course was completed. These records must be made available to the commissioner upon request. In the event the sponsor ceases operations before termination of the sponsor application, the sponsor must provide to the commissioner digital copies of all course and attendance records of courses held for the previous three years;

(9) attending workshops or instructional programs as reasonably required by the commissioner;

(10) providing course completion certificates within ten days of, but not before, completion of the entire course. A sponsor may require payment of the course tuition as a condition of receiving the course completion certificate. Course completion certificates must be completed in their entirety and shall contain the following:

(i) the statement: "If you have any comments about this course offering, please mail them to the Minnesota Department of Labor and Industry.";

- (ii) the current address of the department, name of the provider, date and location of the course, educational program identification provided by the department, and hours of instruction or continuing education hours; and
- (iii) the licensee's or attendee's name and license, certificate, or registration number or the last four digits of the licensee's or attendee's Social Security number; and
- (11) notifying the commissioner in writing within ten days of any change in the information in an application for approval on file with the commissioner.

**Subd. 3. Instructors.**

- (a) Each continuing education course shall have an instructor who is qualified by education, training, or experience to ensure competent instruction. Failure to have only qualified instructors teach at an approved course offering will result in loss of course approval. Sponsors are responsible to ensure that an instructor is qualified to teach the course offering.
- (b) Qualified continuing education instructors must have one of the following qualifications:
  - (1) four years' practical experience in the subject area being taught;
  - (2) a college or graduate degree in the subject area being taught;
  - (3) direct experience in the development of laws, rules, or regulations related to the regulated industry; or
  - (4) demonstrated expertise in the subject area being taught. Instructors providing instruction related to electricity, plumbing, or high pressure piping systems must comply with all applicable continuing education rules adopted by the Board of Electricity, the Plumbing Board, or the Board of High Pressure Piping Systems.
- (c) Qualified continuing education instructors are responsible for:
  - (1) compliance with all laws and rules relating to continuing education;
  - (2) providing students with current and accurate information;
  - (3) maintaining an atmosphere conducive to learning in the classroom;
  - (4) verifying attendance of students, and certifying course completion;
  - (5) providing assistance to students and responding to questions relating to course materials;and
  - (6) attending the workshops or instructional programs that are required by the commissioner.

**Subd. 4. Prohibited practices for sponsors and instructors.**

- (a) In connection with an approved continuing education course, sponsors and instructors shall not:
  - (1) recommend, promote, or disparage the specific services, products, processes, procedures, or practices of a particular person in the regulated industry;
  - (2) encourage or recruit students to engage the services of, or become associated with, a particular business;
  - (3) use materials for the sole purpose of promoting a particular business;
  - (4) require students to participate in other programs or services offered by an instructor or sponsor;
  - (5) attempt, either directly or indirectly, to discover questions or answers on an examination for a license;
  - (6) disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations;
  - (7) misrepresent any information submitted to the commissioner;
  - (8) fail to reasonably cover, or ensure coverage of, all points, issues, and concepts contained in the course outline approved by the commissioner during the approved instruction; or

(9) issue inaccurate course completion certificates.

(b) Sponsors shall notify the commissioner within ten days of a felony or gross misdemeanor conviction or of disciplinary action taken against an occupational or professional license held by the sponsor or an instructor teaching an approved course. The conviction or disciplinary action shall be grounds for the commissioner to withdraw the approval of the sponsor and to disallow the use of the sponsor or instructor.

**Subd. 5. Audits.**

The commissioner reserves the right to audit subject offerings with or without notice to the sponsor.