

Sec. 7. APPLICATION.

Sections 1 and 2 apply to vehicles whose registrations expire on or after July 31, 1995.

Sec. 8. EFFECTIVE DATE.

Section 4 is effective the day following final enactment.

Presented to the governor May 22, 1995

Signed by the governor May 22, 1995, 7:30 p.m.

CHAPTER 205—S.F.No. 258

An act relating to occupations and professions; board of medical practice; providing for the registration of physician assistants by the board of medical practice; providing for rule-making; providing penalties; amending Minnesota Statutes 1994, sections 116J.70, subdivision 2a; 136A.1356, subdivision 1; 144.335, subdivision 1; 148B.60, subdivision 3; 151.01, subdivision 23; 151.37, subdivision 2a; 214.23, subdivision 1; and 604A.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 147A; repealing Minnesota Statutes 1994, sections 147.34; 147.35; and 147.36; Minnesota Rules, parts 5600.2600; 5600.2605; 5600.2610; 5600.2615; 5600.2620; 5600.2625; 5600.2630; 5600.2635; 5600.2640; 5600.2645; 5600.2650; 5600.2655; 5600.2660; 5600.2665; and 5600.2670.

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

ARTICLE 1**Section 1. [147A.01] DEFINITIONS.**

Subdivision 1. SCOPE. For the purpose of this chapter the terms defined in this section have the meanings given them.

Subd. 2. ACTIVE STATUS. "Active status" means the status of a person who has met all the qualifications of a physician assistant, has a physician-physician assistant agreement in force, and is registered.

Subd. 3. ADMINISTER. "Administer" means the delivery by a physician assistant authorized to prescribe legend drugs, a single dose of a legend drug, including controlled substances, to a patient by injection, inhalation, ingestion, or by any other immediate means, and the delivery by a physician assistant ordered by a physician a single dose of a legend drug by injection, inhalation, ingestion, or by any other immediate means.

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Subd. 4. AGREEMENT. "Agreement" means the document described in section 147A.20.

Subd. 5. ALTERNATE SUPERVISING PHYSICIAN. "Alternate supervising physician" means a Minnesota licensed physician listed in the physician-physician assistant agreement who is responsible for supervising the physician assistant when the main supervising physician is unavailable. The alternate supervising physician shall accept full medical responsibility for the performance, practice, and activities of the physician assistant while under the supervision of the alternate supervising physician.

Subd. 6. BOARD. "Board" means the board of medical practice or its designee.

Subd. 7. CONTROLLED SUBSTANCES. "Controlled substances" has the meaning given it in section 152.01, subdivision 4.

Subd. 8. DELEGATION FORM. "Delegation form" means the form used to indicate the categories of drugs for which the authority to prescribe, administer, and dispense has been delegated to the physician assistant and signed by the supervising physician, any alternate supervising physicians, and the physician assistant. This form is part of the agreement described in section 147A.20, and shall be maintained by the supervising physician and physician assistant at the address of record. Copies shall be provided to the board upon request. "Addendum to the delegation form" means a separate listing of the schedules and categories of controlled substances, if any, for which the physician assistant has been delegated the authority to prescribe, administer, and dispense. The addendum shall be maintained as a separate document as described above.

Subd. 9. DIAGNOSTIC ORDER. "Diagnostic order" means a directive to perform a procedure or test, the purpose of which is to determine the cause and nature of a pathological condition or disease.

Subd. 10. DRUG. "Drug" has the meaning given it in section 151.01, subdivision 5, including controlled substances as defined in section 152.01, subdivision 4.

Subd. 11. DRUG CATEGORY. "Drug category" means one of the categories listed on the delegation form.

Subd. 12. INACTIVE STATUS. "Inactive status" means the status of a person who has met all the qualifications of a physician assistant, and is registered, but does not have a physician-physician assistant agreement in force.

Subd. 13. INTERNAL PROTOCOL. "Internal protocol" means a document written by the supervising physician and the physician assistant which specifies the policies and procedures which will apply to the physician assistant's prescribing, administering, and dispensing of legend drugs and medical devices, including controlled substances as defined in section 152.01, subdivision 4, and

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lists the specific categories of drugs and medical devices, with any exceptions or conditions, that the physician assistant is authorized to prescribe, administer, and dispense. The supervising physician and physician assistant shall maintain the protocol at the address of record. Copies shall be provided to the board upon request.

Subd. 14. LEGEND DRUG. "Legend drug" has the meaning given it in section 151.01, subdivision 17.

Subd. 15. LOCUM TENENS PERMIT. "Locum tenens permit" means time specific temporary permission for a physician assistant to practice as a physician assistant in a setting other than the practice setting established in the physician-physician assistant agreement.

Subd. 16. MEDICAL DEVICE. "Medical device" means durable medical equipment and assistive or rehabilitative appliances, objects, or products that are required to implement the overall plan of care for the patient and that are restricted by federal law to use upon prescription by a licensed practitioner.

Subd. 17. PHYSICIAN. "Physician" means a person currently licensed in good standing as a physician or osteopath under chapter 147.

Subd. 18. PHYSICIAN ASSISTANT OR REGISTERED PHYSICIAN ASSISTANT. "Physician assistant" or "registered physician assistant" means a person registered pursuant to this section who is qualified by academic or practical training or both to provide patient services as specified in this chapter, under the supervision of a supervising physician.

Subd. 19. PRACTICE SETTING DESCRIPTION. "Practice setting description" means a signed record submitted to the board on forms provided by the board, on which:

(1) the supervising physician assumes full medical responsibility for the medical care rendered by a physician assistant;

(2) is recorded the address and phone number of record of each supervising physician and alternate, and the physicians' medical license numbers and DEA number;

(3) is recorded the address and phone number of record of the physician assistant and the physician assistant's registration number and DEA number;

(4) is recorded whether the physician assistant has been delegated prescribing, administering, and dispensing authority;

(5) is recorded the practice setting, address or addresses and phone number or numbers of the physician assistant; and

(6) is recorded a statement of the type, amount, and frequency of supervision.

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Subd. 20. PRESCRIBE. “Prescribe” means to direct, order, or designate by means of a prescription the preparation, use of, or manner of using a drug or medical device.

Subd. 21. PRESCRIPTION. “Prescription” means a signed written order, or an oral order reduced to writing, given by a physician assistant authorized to prescribe drugs for patients in the course of the physician assistant’s practice, issued for an individual patient and containing the information required in the delegation form.

Subd. 22. REGISTRATION. “Registration” is the process by which the board determines that an applicant has been found to meet the standards and qualifications found in this section.

Subd. 23. SUPERVISING PHYSICIAN. “Supervising physician” means a Minnesota licensed physician who accepts full medical responsibility for the performance, practice, and activities of a physician assistant under an agreement as described in section 147A.20. A supervising physician shall not supervise more than two full-time equivalent physician assistants simultaneously.

Subd. 24. SUPERVISION. “Supervision” means overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant. The constant physical presence of the supervising physician is not required so long as the supervising physician and physician assistant are or can be easily in contact with one another by radio, telephone, or other telecommunication device. The scope and nature of the supervision shall be defined by the individual physician-physician assistant agreement.

Subd. 25. TEMPORARY REGISTRATION. “Temporary registration” means the status of a person who has satisfied the education requirement specified in this chapter; is enrolled in the next examination required in this chapter; or is awaiting examination results; has a physician-physician assistant agreement in force as required by this chapter, and has submitted a practice setting description to the board. Such provisional registration shall expire 90 days after completion of the next examination sequence, or after one year, whichever is sooner, for those enrolled in the next examination; and upon receipt of the examination results for those awaiting examination results. The registration shall be granted by the board or its designee.

Subd. 26. THERAPEUTIC ORDER. “Therapeutic order” means an order given to another for the purpose of treating or curing a patient in the course of a physician assistant’s practice. Therapeutic orders may be written or verbal, but do not include the prescribing of legend drugs or medical devices unless prescribing authority has been delegated within the physician-physician assistant agreement.

Subd. 27. VERBAL ORDER. “Verbal order” means an oral order given to another for the purpose of treating or curing a patient in the course of a physician assistant’s practice. Verbal orders do not include the prescribing of legend

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drugs unless prescribing authority has been delegated within the physician-physician assistant agreement.

Sec. 2. [147A.02] **QUALIFICATIONS FOR REGISTRATION.**

Except as otherwise provided in this chapter, an individual shall be registered by the board before the individual may practice as a physician assistant.

The board may grant registration as a physician assistant to an applicant who:

(1) submits an application on forms approved by the board;

(2) pays the appropriate fee as determined by the board;

(3) has current certification from the National Commission on Certification of Physician Assistants, or its successor agency as approved by the board;

(4) certifies that the applicant is mentally and physically able to engage safely in practice as a physician assistant;

(5) has no licensure, certification, or registration as a physician assistant under current discipline, revocation, suspension, or probation for cause resulting from the applicant's practice as a physician assistant, unless the board considers the condition and agrees to licensure;

(6) has a physician-physician assistant agreement, and internal protocol and prescribing delegation form, if the physician assistant has been delegated prescribing authority, as described in section 147A.18 in place at the address of record;

(7) submits to the board a practice setting description and any other information the board deems necessary to evaluate the applicant's qualifications; and

(8) has been approved by the board.

All persons registered as physician assistants as of June 30, 1995, are eligible for continuing registration renewal. All persons applying for registration after that date shall be registered according to this chapter.

Sec. 3. [147A.03] **PROTECTED TITLES AND RESTRICTIONS ON USE.**

Subdivision 1. PROTECTED TITLES. No individual may use the titles "Minnesota Registered Physician Assistant," "Registered Physician Assistant," "Physician Assistant," or "PA" in connection with the individual's name, or any other words, letters, abbreviations, or insignia indicating or implying that the individual is registered with the state unless they have been registered according to this chapter.

Subd. 2. HEALTH CARE PRACTITIONERS. Individuals practicing in a

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health care occupation are not restricted in the provision of services included in this chapter as long as they do not hold themselves out as physician assistants by or through the titles provided in subdivision 1 in association with provision of these services.

Subd. 3. IDENTIFICATION OF REGISTERED PRACTITIONERS. Physician assistants in Minnesota shall wear name tags which identify them as physician assistants.

Subd. 4. SANCTIONS. Individuals who hold themselves out as physician assistants by or through any of the titles provided in subdivision 1 without prior registration shall be subject to sanctions or actions against continuing the activity according to section 214.11, or other authority.

Sec. 4. [147A.04] TEMPORARY PERMIT.

The board may issue a temporary permit to practice to a physician assistant eligible for registration under this chapter only if the application for registration is complete, all requirements 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 application for registration.

Sec. 5. [147A.05] INACTIVE REGISTRATION.

Physician assistants who notify the board in writing on forms prescribed by the board may elect to place their registrations on an inactive status. Physician assistants with an inactive registration shall be excused from payment of renewal fees and shall not practice as physician assistants. Persons who engage in practice while their registrations are lapsed or on inactive status shall be considered to be practicing without registration, which shall be grounds for discipline under section 147A.13. Physician assistants requesting restoration from inactive status shall be required to pay the current renewal fees and all unpaid back-fees and shall be required to meet the criteria for renewal specified in section 147A.07.

Sec. 6. [147A.06] CANCELLATION OF REGISTRATION FOR NON-RENEWAL.

The board shall not renew, reissue, reinstate, or restore a registration that has lapsed on or after July 1, 1996, and has not been renewed within two annual renewal cycles starting July 1, 1997. A registrant whose registration is canceled for nonrenewal must obtain a new registration by applying for registration and fulfilling all requirements then in existence for an initial registration to practice as a physician assistant.

Sec. 7. [147A.07] RENEWAL.

A person who holds a registration as a physician assistant shall, upon notification from the board, renew the registration by:

- (1) submitting the appropriate fee as determined by the board;

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(2) completing the appropriate forms;

(3) meeting any other requirements of the board;

(4) submitting a revised and updated practice setting description showing evidence of annual review of the physician-physician assistant supervisory agreement.

Sec. 8. [147A.08] EXEMPTIONS.

(a) This chapter does not apply to, control, prevent, or restrict the practice, service, or activities of persons listed in section 147.09, clauses (1) to (6) and (8) to (13), persons regulated under section 214.01, subdivision 2, or persons defined in section 136A.1356, subdivision 1, paragraphs (a) to (d).

(b) Nothing in this chapter shall be construed to require registration of:

(1) a physician assistant student enrolled in a physician assistant or surgeon assistant educational program accredited by the Committee on Allied Health Education and Accreditation or by its successor agency approved by the board;

(2) a physician assistant employed in the service of the federal government while performing duties incident to that employment; or

(3) technicians, other assistants, or employees of physicians who perform delegated tasks in the office of a physician but who do not identify themselves as a physician assistant.

Sec. 9. [147A.09] SCOPE OF PRACTICE, DELEGATION.

Subdivision 1. SCOPE OF PRACTICE. Physician assistants shall practice medicine only with physician supervision. Physician assistants may perform those duties and responsibilities as delegated in the physician-physician assistant agreement and delegation forms maintained at the address of record by the supervising physician and physician assistant, including the prescribing, administering, and dispensing of medical devices and drugs, excluding anesthetics, other than local anesthetics, injected in connection with an operating room procedure, inhaled anesthesia and spinal anesthesia.

Patient service must be limited to:

(1) services within the training and experience of the physician assistant;

(2) services customary to the practice of the supervising physician;

(3) services delegated by the supervising physician; and

(4) services within the parameters of the laws, rules, and standards of the facilities in which the physician assistant practices.

Nothing in this chapter authorizes physician assistants to perform duties regulated by the boards listed in section 214.01, subdivision 2, other than the board of medical practice, and except as provided in this section.

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Subd. 2. DELEGATION. Patient services may include, but are not limited to, the following, as delegated by the supervising physician and authorized in the agreement:

- (1) taking patient histories and developing medical status reports;
- (2) performing physical examinations;
- (3) interpreting and evaluating patient data;
- (4) ordering or performing diagnostic procedures;
- (5) ordering or performing therapeutic procedures;
- (6) providing instructions regarding patient care, disease prevention, and health promotion;
- (7) assisting the supervising physician in patient care in the home and in health care facilities;
- (8) creating and maintaining appropriate patient records;
- (9) transmitting or executing specific orders at the direction of the supervising physician;
- (10) prescribing, administering, and dispensing legend drugs and medical devices if this function has been delegated by the supervising physician pursuant to and subject to the limitations of section 147.34 and chapter 151. Physician assistants who have been delegated the authority to prescribe controlled substances shall maintain a separate addendum to the delegation form which lists all schedules and categories of controlled substances which the physician assistant has the authority to prescribe. This addendum shall be maintained with the physician-physician assistant agreement, and the delegation form at the address of record;
- (11) for physician assistants not delegated prescribing authority, administering legend drugs and medical devices following prospective review for each patient by and upon direction of the supervising physician;
- (12) functioning as an emergency medical technician with permission of the ambulance service and in compliance with section 144.804, subdivision 2, paragraph (c), and ambulance service rules adopted by the commissioner of health; and
- (13) initiating evaluation and treatment procedures essential to providing an appropriate response to emergency situations.

Orders of physician assistants shall be considered the orders of their supervising physicians in all practice-related activities, including, but not limited to, the ordering of diagnostic, therapeutic, and other medical services.

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Sec. 10. [147A.10] SATELLITE SETTINGS.

Physician assistants may render services in a setting geographically remote from the supervising physician.

Sec. 11. [147A.11] EXCLUSIONS OF LIMITATIONS ON EMPLOYMENT.

Nothing in this chapter shall be construed to limit the employment arrangement of a physician assistant registered under this chapter.

Sec. 12. [147A.13] GROUNDS FOR DISCIPLINARY ACTION.

Subdivision 1. GROUNDS LISTED. The board may refuse to grant registration or may impose disciplinary action as described in this subdivision against any physician assistant. The following conduct is prohibited and is grounds for disciplinary action:

(1) failure to demonstrate the qualifications or satisfy the requirements for registration 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;

(2) obtaining registration by fraud or cheating, or attempting to subvert the examination process. Conduct which subverts or attempts to subvert the examination process includes, but is not limited to:

(i) 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;

(ii) 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; and

(iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf;

(3) conviction, during the previous five years, of a felony reasonably related to the practice of physician assistant. Conviction as used in this subdivision includes 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;

(4) revocation, suspension, restriction, limitation, or other disciplinary action against the person's physician assistant credentials in another state or jurisdiction, failure to report to the board that charges regarding the person's credentials have been brought in another state or jurisdiction, or having been refused registration by any other state or jurisdiction;

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(5) advertising which is false or misleading, violates any rule of the board, or claims without substantiation the positive cure of any disease or professional superiority to or greater skill than that possessed by another physician assistant;

(6) violating a rule adopted by the board or an order of the board, a state, or federal law which relates to the practice of a physician assistant, or in part regulates the practice of a physician assistant, including without limitation sections 148A.02, 609.344, and 609.345, or a state or federal narcotics or controlled substance law;

(7) 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 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;

(8) failure to adhere to the provisions of the physician-physician assistant agreement;

(9) engaging in the practice of medicine beyond that allowed by the physician-physician assistant agreement, including the delegation form or the addendum to the delegation form, or aiding or abetting an unlicensed person in the practice of medicine;

(10) adjudication as mentally incompetent, mentally ill or mentally retarded, or as a chemically dependent person, a person dangerous to the public, a sexually dangerous person, or a person who has a sexual psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a registration for its duration unless the board orders otherwise;

(11) engaging in unprofessional conduct. Unprofessional conduct includes any departure from or the failure to conform to the minimal standards of acceptable and prevailing practice in which proceeding actual injury to a patient need not be established;

(12) inability to practice with reasonable skill and safety to 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;

(13) revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law;

(14) any use of the title "Physician," "Doctor," or "Dr.;"

(15) improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to section 144.335, or to furnish a medical record or report required by law;

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(16) engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;

(17) becoming addicted or habituated to a drug or intoxicant;

(18) prescribing a drug or device for other than medically accepted therapeutic, experimental, or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in section 144.335 for services or tests not medically indicated at the time of referral;

(19) engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient;

(20) failure to make reports as required by section 609.215 or to cooperate with an investigation of the board as required by section 609.215;

(21) knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo;

(22) aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2; or

(23) failure to maintain annually reviewed and updated physician-physician assistant agreements, internal protocols, or prescribing delegation forms for each physician-physician assistant practice relationship, or failure to provide copies of such documents upon request by the board.

Subd. 2. EFFECTIVE DATES, AUTOMATIC SUSPENSION. A suspension, revocation, condition, limitation, qualification, or restriction of a registration shall be in effect pending determination of an appeal unless the court, upon petition and for good cause shown, orders otherwise.

A physician assistant registration is automatically suspended if:

(1) a guardian of the person of a registrant is appointed by order of a court pursuant to sections 525.54 to 525.61, for reasons other than the minority of the registrant; or

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(2) the registrant is committed by order of a court pursuant to chapter 253B. The registration remains suspended until the registrant is restored to capacity by a court and, upon petition by the registrant, the suspension is terminated by the board after a hearing.

Subd. 3. CONDITIONS ON REISSUED REGISTRATION. In its discretion, the board may restore and reissue a physician assistant registration, but may impose as a condition any disciplinary or corrective measure which it might originally have imposed.

Subd. 4. TEMPORARY SUSPENSION OF REGISTRATION. In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend the registration of a physician assistant if the board finds that the physician assistant has violated a statute or rule which the board is empowered to enforce and continued practice by the physician assistant would create a serious risk of harm to the public. The suspension shall take effect upon written notice to the physician assistant, 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 to be held pursuant to the administrative procedure act.

The physician assistant 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. 5. EVIDENCE. In disciplinary actions alleging a violation of subdivision 1, clause (3) or (4), a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency which entered it shall be admissible into evidence without further authentication and shall constitute prima facie evidence of the contents thereof.

Subd. 6. MENTAL EXAMINATION; ACCESS TO MEDICAL DATA. (a) If the board has probable cause to believe that a physician assistant comes under subdivision 1, clause (1), it may direct the physician assistant to submit to a mental or physical examination. For the purpose of this subdivision, every physician assistant registered under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a physician assistant to submit to an examination when directed constitutes an admission of the allegations against the physician assistant, unless the failure was due to circumstance beyond the physician assistant's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician assistant affected under this subdivision shall at reasonable intervals be given an opportunity to demonstrate that the physician assistant can resume competent practice with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor the orders

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entered by the board shall be used against a physician assistant in any other proceeding.

(b) In addition to ordering a physical or mental examination, the board may, notwithstanding sections 13.42, 144.651, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a registrant or applicant without the registrant's or applicant's consent if the board has probable cause to believe that a physician assistant comes under subdivision 1, clause (1).

The medical data may be requested from a provider, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency, including the department of human services. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private under chapter 13.

Subd. 7. TAX CLEARANCE CERTIFICATE. (a) In addition to the provisions of subdivision 1, the board may not issue or renew a registration if the commissioner of revenue notifies the board and the registrant or applicant for registration that the registrant or applicant owes the state delinquent taxes in the amount of \$500 or more. The board may issue or renew the registration only if:

(1) the commissioner of revenue issues a tax clearance certificate; and

(2) the commissioner of revenue, the registrant, or the applicant forwards a copy of the clearance to the board.

The commissioner of revenue may issue a clearance certificate only if the registrant or applicant does not owe the state any uncontested delinquent taxes.

(b) For purposes of this subdivision, the following terms have the meanings given:

(1) "Taxes" are all taxes payable to the commissioner of revenue, including penalties and interest due on those taxes, and

(2) "Delinquent taxes" do not include a tax liability if:

(i) an administrative or court action that contests the amount or validity of the liability has been filed or served;

(ii) the appeal period to contest the tax liability has not expired; or

(iii) the licensee or applicant has entered into a payment agreement to pay the liability and is current with the payments.

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(c) When a registrant or applicant is required to obtain a clearance certificate under this subdivision, a contested case hearing must be held if the registrant or applicant requests a hearing in writing to the commissioner of revenue within 30 days of the date of the notice provided in paragraph (a). The hearing must be held within 45 days of the date the commissioner of revenue refers the case to the office of administrative hearings. Notwithstanding any law to the contrary, the licensee or applicant must be served with 20 days' notice in writing specifying the time and place of the hearing and the allegations against the registrant or applicant. The notice may be served personally or by mail.

(d) The board shall require all registrants or applicants to provide their social security number and Minnesota business identification number on all registration applications. Upon request of the commissioner of revenue, the board must provide to the commissioner of revenue a list of all registrants and applicants, including their names and addresses, social security numbers, and business identification numbers. The commissioner of revenue may request a list of the registrants and applicants no more than once each calendar year.

Sec. 13. [147A.14] REPORTING OBLIGATIONS.

Subdivision 1. PERMISSION TO REPORT. A person who has knowledge of any conduct constituting grounds for discipline under this chapter may report the violation to the board.

Subd. 2. INSTITUTIONS. Any hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the board any action taken by the institution or organization, any of its administrators, or its medical or other committees to revoke, suspend, restrict, or condition a physician assistant's privilege to practice or treat patients in the institution or as part of the organization, any denial of privileges, or any other disciplinary action. The institution or organization shall also report the resignation of any physician assistants prior to the conclusion of any disciplinary proceeding, or prior to the commencement of formal charges but after the physician assistant had knowledge that formal charges were contemplated or in preparation. Each report made under this subdivision must state the nature of the action taken, state in detail the reasons for the action, and identify the specific patient medical records upon which the action was based. No report shall be required of a physician assistant voluntarily limiting the practice of the physician assistant at a hospital provided that the physician assistant notifies all hospitals at which the physician assistant has privileges of the voluntary limitation and the reasons for it.

Subd. 3. PHYSICIAN ASSISTANT ORGANIZATIONS. A state or local physician assistant organization shall report to the board any termination, revocation, or suspension of membership or any other disciplinary action taken against a physician assistant. If the society has received a complaint which might be grounds for discipline under this chapter against a member physician assistant on which it has not taken any disciplinary action, the society shall report

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the complaint and the reason why it has not taken action on it or shall direct the complainant to the board of medical practice. This subdivision does not apply to a physician assistant organization when it performs peer review functions as an agent of an outside entity, organization, or system.

Subd. 4. LICENSED PROFESSIONALS. Licensed health professionals and persons holding residency permits under section 147.0391, shall report to the board personal knowledge of any conduct which the person reasonably believes constitutes grounds for disciplinary action under this chapter by a physician assistant, including any conduct indicating that the person may be incompetent, or may have engaged in unprofessional conduct or may be medically or physically unable to engage safely in practice as a physician assistant. No report shall be required if the information was obtained in the course of a physician-patient relationship if the patient is a physician assistant, and the treating physician successfully counsels the person to limit or withdraw from practice to the extent required by the impairment.

Subd. 5. INSURERS. Four times each year as prescribed by the board, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to physician assistants, and any medical clinic, hospital, political subdivision, or other entity that self-insures and provides professional liability coverage to physician assistants, shall submit to the board a report concerning the physician assistants against whom professional malpractice settlements or awards have been made to the plaintiff.

Any medical clinic, hospital, political subdivision, or other entity which provides liability coverage on behalf of a physician assistant shall submit to the board a report concerning settlements or awards paid on behalf of a physician assistant, and any settlements or awards paid by a clinic, hospital, political subdivision, or other entity on its own behalf because of care rendered by a physician assistant. The report shall be made to the board within 30 days of any settlement. The report must contain at least the following information:

(1) the total number of medical malpractice settlements or awards made to the plaintiff;

(2) the date the medical malpractice settlements or awards to the plaintiff were made;

(3) the allegations contained in the claim or complaint leading to the settlements or awards made to the plaintiff;

(4) the dollar amount of each medical malpractice settlement or award;

(5) the regular address of the practice of the physician assistant against whom an award was made or with whom a settlement was made; and

(6) the name of the physician assistant against whom an award was made or with whom a settlement was made.

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The insurance company shall, in addition to the above information, report to the board any information it possesses which tends to substantiate a charge that a physician assistant may have engaged in conduct violating this chapter.

Subd. 6. COURTS. The court administrator of district court or any other court of competent jurisdiction shall report to the board any judgment or other determination of the court which adjudges or includes a finding that a physician assistant is mentally ill, mentally incompetent, guilty of a felony, or guilty of a violation of federal or state narcotics laws or controlled substances act, guilty of an abuse or fraud under Medicare or Medicaid, appoints a guardian of the physician assistant pursuant to section 525.54 to 525.61 or commits a physician assistant pursuant to chapter 253B.

Subd. 7. SELF-REPORTING. A physician assistant shall report to the board any personal action which is a violation of this chapter.

Subd. 8. DEADLINES; FORMS. Reports required by subdivisions 2 to 7 must be submitted not later than 30 days after the occurrence of the reportable event or transaction. The board may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting.

Subd. 9. SUBPOENAS. The board may issue subpoenas for the production of any reports required by subdivisions 2 to 7 or any related documents.

Sec. 14. [147A.15] IMMUNITY.

Subdivision 1. REPORTING. Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report to the board pursuant to this chapter or for otherwise reporting to the board violations or alleged violations of this chapter. All such reports are confidential and absolutely privileged communications.

Subd. 2. INVESTIGATION; INDEMNIFICATION. (a) Members of the board, persons employed by the board, and consultants retained by the board for the purpose of investigation of violations or the preparation and management of charges of violations of this chapter on behalf of the board are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

(b) For purposes of this section, a member of the board or a consultant described in paragraph (a) is considered a state employee under section 3.736, subdivision 9.

Subd. 3. PHYSICIAN ASSISTANT COOPERATION. A physician assistant who is the subject of an investigation by or on behalf of the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the board relating to the

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subject of the investigation and providing copies of patient medical records, as reasonably requested by the board, to assist the board in its investigation. The board shall pay for copies requested. If the board does not have a written consent from a patient permitting access to the patient's records, the physician assistant shall delete any data in the record which identifies the patient before providing it to the board. The board shall maintain any records obtained pursuant to this section as investigative data pursuant to chapter 13.

Sec. 15. **[147A.16] FORMS OF DISCIPLINARY ACTION.**

When the board finds that a registered physician assistant has violated a provision of this chapter, it may do one or more of the following:

(1) revoke the registration;

(2) suspend the registration;

(3) impose limitations or conditions on the physician assistant's practice, including limiting the scope of practice to designated field specialties; impose retraining or rehabilitation requirements; require practice under additional supervision; or condition continued practice on demonstration of knowledge or skills by appropriate examination or other review of skill and competence;

(4) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the physician assistant of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding;

(5) order the physician assistant to provide unremunerated professional service under supervision at a designated public hospital, clinic, or other health care institution; or

(6) censure or reprimand the registered physician assistant.

Upon judicial review of any board disciplinary action taken under this chapter, the reviewing court shall seal the administrative record, except for the board's final decision, and shall not make the administrative record available to the public.

Sec. 16. **[147A.17] PHYSICIAN ASSISTANT ACCOUNTABILITY.**

Subdivision 1. INVESTIGATION. The board shall maintain and keep current a file containing the reports and complaints filed against physician assistants in the state. Each complaint filed with the board pursuant to section 214.10, subdivision 1, shall be investigated according to section 214.10, subdivision 2.

Whenever the files maintained by the board show that a medical malpractice settlement or award to the plaintiff has been made against a physician assistant as reported by insurers pursuant to this chapter, the executive director of the board shall notify the board and the board may authorize a review of the physician assistant's practice.

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Subd. 2. ATTORNEY GENERAL INVESTIGATION. When the board initiates a review of a physician assistant's practice, it shall notify the attorney general who shall investigate the matter in the same manner as provided in section 214.10. If an investigation is to be made, the attorney general shall notify the physician assistant, and, if the incident being investigated occurred there, the administrator and chief of staff at the medical care facilities in which the physician assistant serves.

Subd. 3. ACCESS TO HOSPITAL RECORDS. The board shall have access to hospital and medical records of a patient treated by the physician assistant under review if the patient signs a written consent form permitting such access. If no consent form has been signed, the hospital or physician assistant shall first delete data in the record which identifies the patient before providing it to the board.

Sec. 17. [147A.18] DELEGATED AUTHORITY TO PRESCRIBE, DISPENSE, AND ADMINISTER DRUGS AND MEDICAL DEVICES.

Subdivision 1. DELEGATION. (a) A supervising physician may delegate to a physician assistant who is registered with the board, certified by the National Commission on Certification of Physician Assistants or successor agency approved by the board, and who is under the supervising physician's supervision, the authority to prescribe, dispense, and administer legend drugs, medical devices, and controlled substances subject to the requirements in this section. The authority to dispense includes, but is not limited to, the authority to request, receive, and dispense sample drugs. This authority to dispense extends only to those drugs described in the written agreement developed under paragraph (b).

(b) The agreement between the physician assistant and supervising physician and any alternate supervising physicians must include a statement by the supervising physician regarding delegation or nondelegation of the functions of prescribing, dispensing, and administering of legend drugs and medical devices to the physician assistant. The statement must include a protocol indicating categories of drugs for which the supervising physician delegates prescriptive and dispensing authority. The delegation must be appropriate to the physician assistant's practice and within the scope of the physician assistant's training. Physician assistants who have been delegated the authority to prescribe, dispense, and administer legend drugs and medical devices shall provide evidence of current certification by the National Commission on Certification of Physician Assistants or its successor agency when registering or reregistering as physician assistants. Physician assistants who have been delegated the authority to prescribe controlled substances must present evidence of the certification and hold a valid DEA certificate. Supervising physicians shall retrospectively review, on a daily basis, the prescribing, dispensing, and administering of legend and controlled drugs and medical devices by physician assistants, when this authority has been delegated to the physician assistant as part of the delegation agreement between the physician and the physician assistant. During each daily review, the supervising physician shall document by signature and date that the prescriptive, administering, and dispensing practice of the physician assistant has been reviewed.

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(c) The board may establish by rule:

(1) a system of identifying physician assistants eligible to prescribe, administer, and dispense legend drugs and medical devices;

(2) a system of identifying physician assistants eligible to prescribe, administer, and dispense controlled substances;

(3) a method of determining the categories of legend and controlled drugs and medical devices that each physician assistant is allowed to prescribe, administer, and dispense; and

(4) a system of transmitting to pharmacies a listing of physician assistants eligible to prescribe legend and controlled drugs and medical devices.

Subd. 2. TERMINATION AND REINSTATEMENT OF PRESCRIBING AUTHORITY. (a) The authority of a physician assistant to prescribe, dispense, and administer legend drugs and medical devices shall end immediately when:

(1) the agreement is terminated;

(2) the authority to prescribe, dispense, and administer is terminated or withdrawn by the supervising physician; or

(3) the physician assistant reverts to inactive status, loses National Commission on Certification of Physician Assistants or successor agency certification, or loses or terminates registration status.

(b) The physician assistant must notify the board in writing within ten days of the occurrence of any of the circumstances listed in paragraph (a).

(c) Physician assistants whose authority to prescribe, dispense, and administer has been terminated shall reapply for reinstatement of prescribing authority under this section and meet any requirements established by the board prior to reinstatement of the prescribing, dispensing, and administering authority.

Subd. 3. OTHER REQUIREMENTS AND RESTRICTIONS. (a) The supervising physician and the physician assistant must complete, sign, and date an internal protocol which lists each category of drug or medical device, or controlled substance the physician assistant may prescribe, dispense, and administer. The supervising physician and physician assistant shall submit the internal protocol to the board upon request. The supervising physician may amend the internal protocol as necessary, within the limits of the completed delegation form in subdivision 5. The supervising physician and physician assistant must sign and date any amendments to the internal protocol. Any amendments resulting in a change to an addition or deletion to categories delegated in the delegation form in subdivision 5 must be submitted to the board according to this chapter, along with the fee required.

(b) The supervising physician and physician assistant shall review delegation of prescribing, dispensing, and administering authority on an annual basis

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at the time of reregistration. The internal protocol must be signed and dated by the supervising physician and physician assistant after review. Any amendments to the internal protocol resulting in changes to the delegation form in subdivision 5 must be submitted to the board according to this chapter, along with the fee required.

(c) Each prescription initiated by a physician assistant shall indicate the following:

- (1) the date of issue;
- (2) the name and address of the patient;
- (3) the name and quantity of the drug prescribed;
- (4) directions for use; and
- (5) the name, address, and telephone number of the prescribing physician assistant and of the physician serving as supervisor.

(d) In prescribing, dispensing, and administering legend drugs and medical devices, including controlled substances as defined in section 152.01, subdivision 4, a physician assistant must conform with the agreement, chapter 151, and this chapter.

Subd. 4. NOTIFICATION OF PHARMACIES. (a) The board shall annually provide to the board of pharmacy and to registered pharmacies within the state a list of those physician assistants who are authorized to prescribe, administer, and dispense legend drugs and medical devices, or controlled substances.

(b) The board shall provide to the board of pharmacy a list of physician assistants authorized to prescribe legend drugs and medical devices every two months if additional physician assistants are authorized to prescribe or if physician assistants have authorization to prescribe withdrawn.

(c) The list must include the name, address, telephone number, and Minnesota registration number of the physician assistant, and the name, address, telephone number, and Minnesota license number of the supervising physician.

(d) The board shall provide the form in subdivision 5 to pharmacies upon request.

(e) The board shall make available prototype forms of the physician-physician assistant agreement, the internal protocol, the delegation form, and the addendum form.

Subd. 5. DELEGATION FORM FOR PHYSICIAN ASSISTANT PRESCRIBING. The delegation form for physician assistant prescribing must contain a listing by drug category of the legend drugs and controlled substances for which prescribing authority has been delegated to the physician assistant.

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Sec. 18. [147A.19] IDENTIFICATION REQUIREMENTS.

Physician assistants registered under this chapter shall keep their registration available for inspection at their primary place of business and shall, when engaged in their professional activities, wear a name tag identifying themselves as a "physician assistant."

Sec. 19. [147A.20] PHYSICIAN AND PHYSICIAN ASSISTANT AGREEMENT.

(a) A physician assistant and supervising physician must sign an agreement which specifies scope of practice and amount and manner of supervision as required by the board. The agreement must contain:

- (1) a description of the practice setting;
- (2) a statement of practice type/specialty;
- (3) a listing of categories of delegated duties; and
- (4) a description of supervision type, amount, and frequency.

(b) The agreement must be maintained by the supervising physician and physician assistant and made available to the board upon request. If there is a delegation of prescribing, administering, and dispensing of legend drugs, controlled substances, and medical devices, the agreement shall include an internal protocol and delegation form. Physician assistants shall have a separate agreement for each place of employment. Agreements must be reviewed and updated on an annual basis. The supervising physician and physician assistant must maintain the agreement, delegation form, and internal protocol at the address of record. Copies shall be provided to the board upon request.

(c) Physician assistants must provide written notification to the board within 30 days of the following:

- (1) name change;
- (2) address of record change;
- (3) telephone number of record change; and

(4) addition or deletion of alternate supervising physician provided that the information submitted includes, for an additional alternate physician, an affidavit of consent to act as an alternate supervising physician signed by the alternate supervising physician.

(d) Modifications requiring submission prior to the effective date are changes to the practice setting description which include:

- (1) supervising physician change, excluding alternate supervising physicians;
or

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(2) delegation of prescribing, administering, or dispensing of legend drugs, controlled substances, or medical devices.

Sec. 20. [147A.21] RULEMAKING AUTHORITY.

The board shall adopt rules:

- (1) setting registration fees;
- (2) setting renewal fees;
- (3) setting fees for locum tenens permits;
- (4) setting fees for temporary registration; and
- (5) establishing renewal dates.

Sec. 21. [147A.22] LOCUM TENENS PERMIT.

The board may grant a locum tenens permit to any applicant who is registered in the state. The applications for locum tenens permits shall be reviewed at the next scheduled board meeting. The application shall include a practice setting description. The maximum duration of a locum tenens permit is one year. The permit may be renewed annually on a date set by the board.

Sec. 22. [147A.24] CONTINUING EDUCATION REQUIREMENTS.

Subdivision 1. AMOUNT OF EDUCATION REQUIRED. Applicants for registration renewal or reregistration must either attest to and document successful completion of at least 50 contact hours of continuing education within the two years immediately preceding registration renewal, reregistration, or attest to and document taking the national certifying examination required by this chapter within the past two years.

Subd. 2. TYPE OF EDUCATION REQUIRED. Approved continuing education equivalent to category 1 credit hours as defined by the American Osteopathic Association Bureau of Professional Education, the Royal College of Physicians and Surgeons of Canada, the American Academy of Physician Assistants, or by organizations that have reciprocal arrangements with the physician recognition award program of the American Medical Association.

Sec. 23. [147A.25] CONTINUING EDUCATION CYCLES.

During each two-year cycle each physician assistant shall obtain 50 hours of continuing medical education credit with at least two hours in the subject of infection control, including blood borne diseases. "Infection control" means programs, procedures, and methods to reduce the transmission of agents of infection for the purpose of preventing or decreasing the incidence of infectious diseases. "Blood borne diseases" means diseases that are spread through exposure to, inoculation of, or injection of blood, or through exposure to blood contained in body fluids, tissue, or organs. Blood borne diseases include infection caused by such agents as the human immunodeficiency virus (HIV) and hepatitis B virus (HBV). Infection control continuing education credits must be obtained from the category 1 activities. Continuing education in infection control is required for renewal periods beginning on or after October 1, 1995. For initial continuing education periods of less than two years, one continuing education hour in infection control is required for each remaining full year.

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Sec. 24. [147A.26] PROCEDURES.

The board shall establish, in writing, internal operating procedures for receiving and investigating complaints, accepting and processing applications, granting registrations, and imposing enforcement actions. The written internal operating procedures may include procedures for sharing complaint information with government agencies in this and other states. Establishment of the operating procedures are not subject to rulemaking procedures under chapter 14. Procedures for sharing complaint information must be consistent with the requirements for handling government data under chapter 13.

Sec. 25. REPEALER.

Minnesota Statutes 1994, sections 147.34; 147.35; and 147.36; Minnesota Rules, parts 5600.2600; 5600.2605; 5600.2610; 5600.2615; 5600.2620; 5600.2625; 5600.2630; 5600.2635; 5600.2640; 5600.2645; 5600.2650; 5600.2655; 5600.2660; 5600.2665; and 5600.2670, are repealed.

Sec. 26. EFFECTIVE DATE.

Sections 1 to 25 are effective on the day following final enactment, except that sections 7; 12, subdivisions 1 and 7; and 21, are effective on July 1, 1996. All physician assistants registered under this act shall be in compliance no later than July 1, 1996.

ARTICLE 2**CONFORMING AMENDMENTS**

Section 1. Minnesota Statutes 1994, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. **LICENSE; EXCEPTIONS.** "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

(a) abstracters regulated pursuant to chapter 386;

(b) accountants regulated pursuant to chapter 326;

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- (c) adjusters regulated pursuant to chapter 72B;
- (d) architects regulated pursuant to chapter 326;
- (e) assessors regulated pursuant to chapter 270;
- (f) athletic trainers regulated pursuant to chapter 148;
- (g) attorneys regulated pursuant to chapter 481;
- (h) auctioneers regulated pursuant to chapter 330;
- (i) barbers regulated pursuant to chapter 154;
- (j) beauticians regulated pursuant to chapter 155A;
- (k) boiler operators regulated pursuant to chapter 183;
- (l) chiropractors regulated pursuant to chapter 148;
- (m) collection agencies regulated pursuant to chapter 332;
- (n) cosmetologists regulated pursuant to chapter 155A;
- (o) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (p) detectives regulated pursuant to chapter 326;
- (q) electricians regulated pursuant to chapter 326;
- (r) embalmers regulated pursuant to chapter 149;
- (s) engineers regulated pursuant to chapter 326;
- (t) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (u) certified interior designers regulated pursuant to chapter 326;
- (v) midwives regulated pursuant to chapter 148;
- (w) morticians regulated pursuant to chapter 149;
- (x) nursing home administrators regulated pursuant to chapter 144A;
- (y) optometrists regulated pursuant to chapter 148;
- (z) osteopathic physicians regulated pursuant to chapter 147;
- (aa) pharmacists regulated pursuant to chapter 151;
- (bb) physical therapists regulated pursuant to chapter 148;

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- (cc) physician assistants regulated pursuant to chapter 147A;
- (dd) physicians and surgeons regulated pursuant to chapter 147;
- ~~(de)~~ (ee) plumbers regulated pursuant to chapter 326;
- ~~(ef)~~ (ff) podiatrists regulated pursuant to chapter 153;
- ~~(fg)~~ (gg) practical nurses regulated pursuant to chapter 148;
- ~~(gh)~~ (hh) professional fund raisers regulated pursuant to chapter 309;
- ~~(hi)~~ (ii) psychologists regulated pursuant to chapter 148;
- ~~(ij)~~ (jj) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- (jj) (kk) registered nurses regulated pursuant to chapter 148;
- ~~(kl)~~ (ll) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- (ll) (mm) steamfitters regulated pursuant to chapter 326;
- ~~(mn)~~ (nn) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- ~~(no)~~ (oo) veterinarians regulated pursuant to chapter 156;
- ~~(op)~~ (pp) water conditioning contractors and installers regulated pursuant to chapter 326;
- ~~(pq)~~ (qq) water well contractors regulated pursuant to chapter 156A;
- ~~(qr)~~ (rr) water and waste treatment operators regulated pursuant to chapter 115;
- ~~(rs)~~ (ss) motor carriers regulated pursuant to chapter 221;
- ~~(st)~~ (tt) professional corporations regulated pursuant to chapter 319A;
- ~~(tu)~~ (uu) real estate appraisers regulated pursuant to chapter 82B;
- ~~(uv)~~ (vv) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;

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(7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and

(8) any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. Minnesota Statutes 1994, section 136A.1356, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For purposes of this section, the following definitions apply:

(a) "Designated rural area" has the definition developed in rule by the higher education coordinating board.

(b) "Midlevel practitioner" means a nurse practitioner, nurse-midwife, nurse anesthetist, advanced clinical nurse specialist, or physician assistant.

(c) "Nurse-midwife" means a registered nurse who has graduated from a program of study designed to prepare registered nurses for advance practice as nurse-midwives.

(d) "Nurse practitioner" means a registered nurse who has graduated from a program of study designed to prepare registered nurses for advance practice as nurse practitioners.

(e) "Physician assistant" means a person meeting the definition in Minnesota Rules, part 5600.2600, subpart 11 registered under chapter 147A.

Sec. 3. Minnesota Statutes 1994, section 144.335, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them:

(a) "Patient" means a natural person who has received health care services from a provider for treatment or examination of a medical, psychiatric, or mental condition, the surviving spouse and parents of a deceased patient, or a person the patient designates in writing as a representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, patient includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapter 147, 148, 148B, 150A, 151, or 153; (2) a home care provider licensed under section 144A.46; (3) a

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health care facility licensed pursuant to this chapter or chapter 144A; (4) a physician assistant registered under chapter 147A; and (4) (5) an unlicensed mental health practitioner regulated pursuant to sections 148B.60 to 148B.71.

(c) "Individually identifiable form" means a form in which the patient is or can be identified as the subject of the health records.

Sec. 4. Minnesota Statutes 1994, section 148B.60, subdivision 3, is amended to read:

Subd. 3. **UNLICENSED MENTAL HEALTH PRACTITIONER OR PRACTITIONER.** "Unlicensed mental health practitioner" or "practitioner" means a person who provides or purports to provide, for remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical practice under chapter 147 or registered by the board of medical practice under chapter 147A; the board of nursing under sections 148.171 to 148.285; the board of psychology under sections 148.88 to 148.98; the board of social work under sections 148B.18 to 148B.28; the board of marriage and family therapy under sections 148B.29 to 148B.39; or another licensing board if the person is practicing within the scope of the license; or members of the clergy who are providing pastoral services in the context of performing and fulfilling the salaried duties and obligations required of a member of the clergy by a religious congregation. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

(1) hospital and nursing home social workers exempt from licensure by the board of social work under section 148B.28, subdivision 6, including hospital and nursing home social workers acting within the scope of their employment by the hospital or nursing home;

(2) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;

(3) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services in private practice; and

(4) clergy who are providing mental health services that are equivalent to those defined in subdivision 4.

Sec. 5. Minnesota Statutes 1994, section 151.01, subdivision 23, is amended to read:

Subd. 23. **PRACTITIONER.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, or licensed veterinarian. For purposes of sections 151.15, subdivision 4, 151.37,

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subdivision 2, paragraph (b), and 151.461, "practitioner" also means a physician assistant authorized to prescribe, dispense, and administer under ~~section 147.34~~ chapter 147A, or an advanced practice nurse authorized to prescribe, dispense, and administer under section 148.235.

Sec. 6. Minnesota Statutes 1994, section 151.37, subdivision 2a, is amended to read:

Subd. 2a. A supervising physician may delegate to a physician assistant who is registered with the board of medical practice and certified by the National Commission on Certification of Physician Assistants and who is under the supervising physician's supervision, the authority to prescribe, dispense, and administer legend drugs and medical devices, subject to the requirements in ~~section 147.34~~ chapter 147A and other requirements established by the ~~commissioner of health~~ board of medical practice in rules.

Sec. 7. Minnesota Statutes 1994, section 214.23, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER OF HEALTH.** The board shall enter into a contract with the commissioner to perform the functions in subdivisions 2 and 3. The contract shall provide that:

(1) unless requested to do otherwise by a regulated person, a board shall refer all regulated persons infected with HIV or HBV to the commissioner;

(2) the commissioner may choose to refer any regulated person who is infected with HIV or HBV as well as all information related thereto to the person's board at any time for any reason, including but not limited to: the degree of cooperation and compliance by the regulated person; the inability to secure information or the medical records of the regulated person; or when the facts may present other possible violations of the regulated persons practices act. Upon request of the regulated person who is infected with HIV or HBV the commissioner shall refer the regulated person and all information related thereto to the person's board. Once the commissioner has referred a regulated person to a board, the board may not thereafter submit it to the commissioner to establish a monitoring plan unless the commissioner of health consents in writing;

(3) a board shall not take action on grounds relating solely to the HIV or HBV status of a regulated person until after referral by the commissioner; and

(4) notwithstanding sections 13.39 and 13.41 and chapters 147, 147A, 148, 150A, 153, and 214, a board shall forward to the commissioner any information on a regulated person who is infected with HIV or HBV that the department of health requests.

Sec. 8. Minnesota Statutes 1994, section 604A.01, subdivision 2, is amended to read:

Subd. 2. **GENERAL IMMUNITY FROM LIABILITY.** (a) A person who,

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without compensation or the expectation of compensation, renders emergency care, advice, or assistance at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care, advice, or assistance, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. This subdivision does not apply to a person rendering emergency care, advice, or assistance during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering the care, advice, or assistance.

(b) For the purposes of this section, the scene of an emergency is an area outside the confines of a hospital or other institution that has hospital facilities, or an office of a person licensed to practice one or more of the healing arts under chapter 147, 147A, 148, 150A, or 153. The scene of an emergency includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials, and includes ski areas and trails.

(c) For the purposes of this section, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, volunteer ski patroller, and any partnership, corporation, association, or other entity.

(d) For the purposes of this section, "compensation" does not include payments, reimbursement for expenses, or pension benefits paid to members of volunteer organizations.

Sec. 9. EFFECTIVE DATE.

Sections 1 to 8 are effective on the day following final enactment.

Presented to the governor May 22, 1995

Signed by the governor May 22, 1995, 7:38 p.m.

CHAPTER 206—S.F.No. 1170

An act relating to occupations and professions; requiring licensure or certification of geoscientists; adding geoscientists to the board of architecture, engineering, land surveying, landscape architecture, and interior design; providing for certain duties for the board; providing for signatures on certain documents; appropriating money; amending Minnesota Statutes 1994, sections 214.01, subdivision 3; 214.04, subdivision 3; 319A.02, subdivision 2; 326.02, subdivisions 1, 4, 4a, and by adding a subdivision; 326.03, subdivisions 1 and 4; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 7; 326.11, subdivision 1; 326.111, subdivisions 1, 2, 3, 4, and 6; 326.12; 326.13; and 326.14.

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

New language is indicated by underline, deletions by ~~strikeout~~.