

(3) a mercury thermometer that is a component of an animal agriculture climate control system or industrial measurement system until such time as the system is replaced or a nonmercury component for the system is available; or

(4) a mercury thermometer used for calibration of other thermometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the National Institute of Standards and Technology.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective January 1, 2002.

Presented to the governor April 23, 2001

Signed by the governor April 26, 2001, 10:21 a.m.

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**CHAPTER 48—H.F.No. 323**

*An act relating to motor vehicle fuel franchises; extending an expiration date; amending Minnesota Statutes 2000, section 80C.147.*

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

Section 1. Minnesota Statutes 2000, section 80C.147, is amended to read:

**80C.147 CHANGE IN OWNERSHIP.**

A motor vehicle fuel franchisor, or an affiliate of such franchisor, who determines to (1) sell or transfer its interests in marketing premises occupied by a franchisee, and (2) in connection with such sale or transfer assigns its interest as a franchisor in a franchise agreement applicable to such premises, shall offer to the franchisee occupying the premises those rights contained in United States Code, title 15, section 2802(b)(3)(D)(iii)(I) or (II). This section expires 12 months after May 5, 2000. This section expires July 1, 2002.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor April 23, 2001

Signed by the governor April 26, 2001, 10:22 a.m.

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**CHAPTER 49—H.F.No. 1160**

*An act relating to health; changing the frequency with which physician assistant delegated*

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

*prescribing activities must be reviewed; amending Minnesota Statutes 2000, sections 147A.18, subdivision 1; and 147A.20.*

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

Section 1. Minnesota Statutes 2000, section 147A.18, subdivision 1, is amended to read:

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. This review must take place at least weekly. The process and schedule for the review must be outlined in the delegation agreement.~~

(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;

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

(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.

Sec. 2. Minnesota Statutes 2000, section 147A.20, is amended to read:

**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; and

(5) a description of the process and schedule for review of prescribing, dispensing, and administering legend and controlled drugs and medical devices by the physician assistant authorized to prescribe.

(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

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

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

Presented to the governor April 23, 2001

Signed by the governor April 26, 2001, 10:24 a.m.

## CHAPTER 50—H.F.No. 239

*An act relating to real property; clarifying law relating to servitudes created by a common owner of multiple pieces of property; providing for filing of an amended application to register land; authorizing attorney general to represent state in certain torrens proceedings; providing for issuance of certificates of title for common elements in a condominium; permitting owners of certain land to request new certificates of title; modifying certificates of possessory title; modifying Minnesota Common Interest Ownership Act; exempting registered/torrens land from the 40 year law; amending Minnesota Statutes 2000, sections 508.09; 508.16, subdivision 1; 508.421, by adding a subdivision; 508.82, subdivision 1; 508A.01, subdivision 2; 508A.08; 508A.09; 508A.10; 508A.11, subdivisions 1 and 2; 508A.17, subdivision 1; 508A.22, subdivisions 1 and 3; 508A.25; 508A.35; 508A.351, by adding subdivisions; 508A.421, by adding a subdivision; 508A.82, subdivision 1; 508A.85, subdivision 4; 515B.1-116; 515B.3-104; 515B.3-117; and 541.023, subdivisions 1, 2, 4, 6, 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 507; 508; and 508A; repealing Minnesota Statutes 2000, sections 508.71, subdivision 7; 508A.22, subdivision 2; 508A.27; and 508A.351, subdivision 1.*

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

### Section 1. [507.47] CREATION OF SERVITUDES BY COMMON OWNER.

An easement, condition, restriction, or other servitude that is imposed on real property by a recorded instrument and is not in violation of law or public policy, is valid notwithstanding the common ownership, when the easement, condition, restriction, or other servitude is imposed, of any of the real property burdened or benefited by the easement, condition, restriction, or other servitude. A conveyance of all or any portion of the real property includes the benefits and burdens of all easements, conditions, restrictions, or other servitudes validated under this section, except as provided by sections 500.20 and 541.023. The common law doctrine of merger, and not this section, applies whenever, after ownership of any of the real property is severed, all of the real property burdened or benefited by an easement, condition, restriction, or other servitude again is owned by a common owner.

Sec. 2. Minnesota Statutes 2000, section 508.09, is amended to read:

### 508.09 AMENDMENT.

Amendments to the application, including joinder, substitution, or discontinuance as to parties, may be allowed by the court at any time upon terms that are just and reasonable, but all amendments shall be in writing and signed and verified like the original application. A person who acquires the original applicant's estate in all or part

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