

CHAPTER 5600
BOARD OF MEDICAL EXAMINERS
LICENSING RULES

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5600.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in Minnesota Statutes, chapter 147, and Minnesota Statutes, sections 148.30 to 148.511, inclusive, and 148.65 to 148.78, inclusive, the terms herein defined shall have the following meanings.

Subp. 2. **Anesthetics.** "Anesthetics," as used in Minnesota Statutes, section 147.031, subdivision 2, shall mean and include any agent used to produce topical, local, or general anesthesia. Such agents shall include, but shall not be limited to, the following: cyclopropane, ether, ethylene, chloroform, pentothal, barbiturates, nitrous oxide, cocaine, procaine, or any other agent intended to produce a like effect.

Subp. 3. **Antidote.** "Antidote," as used in Minnesota Statutes, section 147.031, subdivision 2, shall mean any agent used to counteract the effects of a poison.

Subp. 4. **Antiseptics.** "Antiseptics," as used in Minnesota Statutes, section 147.031, subdivision 2, shall mean any chemical or biological agent used to destroy or inhibit the growth and development in living tissue of microorganisms, and includes, but shall not be limited to, antiseptic agents defined as such in the official United States Pharmacopoeia, or registered and regulated for distribution under United States Code, title 21, sections 351 to 357, inclusive.

Subp. 5. **Board.** The "board," as used in these rules, shall mean the Minnesota Board of Medical Examiners.

Subp. 6. **Chemicals.** "Chemicals," as used in Minnesota Statutes, section 147.021, subdivision 1, clause (1), shall have the meaning ascribed to the term "controlled substance" in Minnesota Statutes, chapter 152, and in addition thereto shall include distilled spirits, wine, malt beverages, and intoxicating liquors.

Subp. 7. **Disease.** "Disease," as used in Minnesota Statutes, section 147.10, shall mean and include any disorder, impairment, or infirmity in mental or physical capacity or in the physical, structural, or functional organization or character of any bodily organ or system.

Subp. 8. **Drugs.** "Drugs," as used in Minnesota Statutes, section 147.021, subdivision 1, clause (1), shall have the meaning ascribed to that term in Minnesota Statutes, chapter 152.

Subp. 9. **Examining committee.** The "examining committee," as used in these rules, shall mean the Physical Therapy Council created by Minnesota Statutes, section 148.67.

Subp. 10. **Medicine.** "Medicine," as used in Minnesota Statutes, section 147.10, shall mean and include any substance or agent which is:

A. intended for use or used in the diagnosis, treatment, prevention, mitigation, or cure of any disease, bodily injury, or infirmity; or

B. intended to affect or does affect the structure or function of any bodily organ or system, whether the intended or actual effect of such substance or agent is at or remote from the site of administration. Except as otherwise expressly authorized by law, any person who for a fee prescribes, directs, or recommends for the use of any person any medicine, as herein defined, shall be deemed to be practicing medicine within the meaning of Minnesota Statutes, section 147.10.

Subp. 11. **Minor surgery.** "Minor surgery," as used in Minnesota Statutes, section 147.031, subdivision 2, relating to the practice of osteopathy shall be construed to include all surgical procedures excepting: those involved in incision for the opening of a natural body cavity, open reduction of bone fractures, the amputation of an extremity or an appendage, the removal of any gland or organ or part thereof, or any plastic surgery.

Subp. 12. **Narcotics.** "Narcotics," as used in Minnesota Statutes, sections 147.021, subdivision 1, clause (l) and 147.031, shall have the meaning ascribed to the term "narcotic drug" in Minnesota Statutes, chapter 152.

Statutory Authority: *MS s 147.01 subd 3*

MEDICINE AND SURGERY

5600.0200 APPLICATION FOR LICENSURE TO PRACTICE MEDICINE AND SURGERY.

Subpart 1. **Filing requirement.** An application for admission to a licensing examination as provided in Minnesota Statutes, section 147.02 shall be filed with the board as hereinafter prescribed. If the board finds that the application is complete and that all of the requirements of Minnesota Statutes, section 147.02, and of these rules have been met, it shall advise the applicant of the date and place of the examination.

Subp. 2. **Contents of application.** Such application shall be submitted on forms prepared by the board and shall include the following information:

A. If the applicant is a graduate of a medical or osteopathic college approved by the board, original or certified copy of diploma from such medical or osteopathic college, as the case may be, indicating that the applicant has satisfactorily completed a course of study acceptable to the board and that he has received from such college the degree of doctor of medicine or doctor of osteopathy;

B. If the applicant is currently enrolled in the final year of study at an approved medical or osteopathic college, a transcript of his credits, together with evidence, satisfactory to the board, that the applicant has satisfactorily completed the course of study prior to such final year at an approved medical or osteopathic college. Prior to admission to the licensing examination, the applicant shall file with the board the original or certified copy of a diploma from a medical or osteopathic college approved by the board indicating that the applicant has satisfactorily completed a course of study acceptable to the board and that he has received from such college the degree of doctor of medicine or doctor of osteopathy;

C. Evidence satisfactory to the board of the applicant's United States or Canadian citizenship. In the event applicant is not a citizen of the United States or Canada, he shall submit, with his application, evidence that he is a lawful permanent resident of the United States and has made a declaration of

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intent to become a citizen of the United States. In the event applicant is not legally authorized to make a declaration of intent to become a citizen of the United States, he shall submit, with his application, evidence that the Immigration and Naturalization Service of the United States Department of Justice has approved his petition for a preference visa and granted permission to him to remain in the United States until further notice, awaiting the issue to him of an immigrant visa, which would make him eligible for adjustment of his status to that of a lawful permanent resident;

D. A certificate of good moral character signed by two persons licensed to practice medicine and surgery by any recognized and accredited licensing authority within the United States or Canada;

E. An unmounted recent photograph of the applicant with an affidavit on the reverse side thereof made by the applicant that the photograph is that of the applicant; and

F. Such other information as the board shall from time to time deem necessary in order to evaluate the qualifications of the applicant.

Subp. 3. **Additional information.** An applicant who has passed the examination prepared and graded by either the Federation of State Medical Boards or the National Board of Medical Examiners shall include in his application, in addition to the information required under subpart 2, evidence satisfactory to the board that within three years before or five years after being granted the degree of M.D. or D.O., the applicant satisfactorily passed an examination prepared and graded in accordance with the provisions of Minnesota Statutes, section 147.02.

Subp. 4. **Ineligible applicants.** An applicant whose credentials are determined by the board to indicate ineligibility for examination shall be notified of such determination and the grounds therefor and may be granted a hearing thereon in accordance with the provisions of part 5615.0300, by filing a statement of issues with the board within 20 days after receipt of such notice from the board. After such hearing the board shall notify the applicant in writing of its decision thereon.

Subp. 5. **Graduate training.** An applicant who has satisfactorily completed the licensing examination, and who has fulfilled all the requirements of Minnesota Statutes, chapter 147, and of these rules, shall be considered by the board for licensure to practice medicine and surgery upon submitting to the board evidence satisfactory to the board that the applicant has satisfactorily completed either one year of graduate training in an institution in the United States or Canada approved for internship or graduate training by the board or other graduate training approved by the board.

Subp. 6. **Application deadline.** All applications for examination must be fully completed and forwarded to the secretary of the board postmarked not later than 30 days before the date of examination.

Subp. 7. **Citizenship status.** A license issued to an applicant whose petition for a preference visa has been approved is valid only so long as the licensee is a resident of the state of Minnesota, is not valid for the purpose of reciprocity with any other state, territory, or country, and is conditioned upon:

A. the approved petition remaining in full force and effect;

B. his obtaining the status of a lawful permanent resident of the United States as soon as he is eligible therefor;

C. his making a declaration of intent to become a citizen of the United States as soon as practicable thereafter; and

D. his naturalization as a citizen of the United States, as soon thereafter as is authorized by the statutes of the United States.

If he fails, neglects, or refuses, for reasons within or beyond his control, to become a lawful permanent resident of the United States, to make a declaration

of intent to become a citizen of the United States, and to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

A license issued to an applicant who is a lawful permanent resident of the United States and who has made a declaration of intent to become a citizen of the United States is conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon a licensee described in the first sentence of this subpart becoming a lawful permanent resident of the United States and making a declaration of intent to become a citizen of the United States, his license shall be valid irrespective of his status as a resident of the state of Minnesota, shall be valid for the purpose of reciprocity with any other state, territory, or country, and shall be conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon any licensee described in this subpart becoming a naturalized citizen of the United States, the restrictions contained in this subpart shall be of no further force or effect.

Statutory Authority: *MS s 147.01 subd 3*

5600.0300 CONDUCT DURING EXAMINATIONS.

Licensing examinations administered by the board shall be conducted in accordance with the following rules, and any candidate violating such rules may be dismissed and barred from taking the examination, or may be otherwise disciplined.

A. During the written examination no applicant shall communicate with any other person in any way except with the express permission of the person or persons conducting the examination.

B. An applicant shall not bring books or help of any kind into the examination room.

Statutory Authority: *MS s 147.01 subd 3*

5600.0400 GRADES.

A weighted average grade of 75 shall be the passing grade on all examinations prepared and graded by the Federation of State Medical Boards of the United States. If an applicant falls below a weighted average grade of 75, it shall constitute a failure. In order to be eligible for licensure, the applicant may repeat those parts of the examination on which he received a grade less than 75 or may repeat the entire examination. The latest grade received shall be the only one considered by the board.

Statutory Authority: *MS s 147.01 subd 3*

5600.0500 REPORT AND NOTIFICATION OF RESULTS.

Upon receipt of the results of the examination, the board shall prepare a report thereon and shall consider the report at its next meeting. The secretary of the board shall notify the applicant of the action of the board on his application and examination.

Statutory Authority: *MS s 147.01 subd 3*

5600.0600 LICENSE BY RECIPROCITY TO PRACTICE MEDICINE AND SURGERY.

Subpart 1. **Application.** An application for a license to practice medicine and surgery without written examination, in accordance with Minnesota Statutes, section 147.03, may be made by any physician duly licensed by an accredited state licensing board or agency.

Subp. 2. **Contents of application.** Such application shall be submitted on forms prepared by the board and shall include the following information:

A. An original or certified copy of the applicant's then current license originally obtained by examination, together with evidence at the time of submission that the same is in good standing. If the applicant is a graduate of a foreign medical school, he shall also submit the information required by part 5600.0900, subpart 2, items D and E, and the original or a certified copy of birth certificate.

B. Original or certified copy of diploma from a medical or osteopathic college, as the case may be, duly accredited by the board, indicating that the applicant has satisfactorily completed a course of study acceptable to the board, and that he has received from such college the degree of doctor of medicine, or doctor of osteopathy. If the applicant is a graduate of a foreign medical school, he shall submit in lieu thereof the information required by part 5600.0900, subpart 2, item B.

C. Evidence satisfactory to the board that the applicant has satisfactorily completed either one year of graduate training in an institution in the United States or Canada approved for internship or graduate training by the board, or other graduate training approved by the board.

D. If the applicant is a graduate of a foreign medical school, evidence satisfactory to the board that the applicant has been awarded a certificate by the Educational Council for Foreign Medical Graduates (ECFMG), certifying to the applicant's formal education, his having passed the ECFMG English test and his having passed the ECFMG examination. Such evidence shall not be required, however, if the applicant:

(1) was licensed by examination in a state which at the time of applicant's licensure therein did not require that he had been awarded a certificate by the Education Council for Foreign Medical Graduates; or

(2) is a diplomate of a medical specialty board approved by the American Medical Association.

E. The information required by part 5600.0200, subpart 2, items C to F.

Subp. 3. **Grades.** A grade of 75 shall be the passing grade on all examinations graded by the board. A minimum general average of 75 in all subjects shall constitute a grade satisfactory for licensure. An applicant may fall below 75 in one subject and still be licensed by the board. If an applicant falls below 75 in more than two subjects, it shall constitute a failure and require that the applicant retake the entire examination with passing grades in order to be eligible for licensure. An applicant failing two subjects may retake the two subjects at the next examination and upon receiving a minimum grade of 75 in each may be eligible for licensure.

Subp. 4. **Citizenship status.** A license issued to an applicant whose petition for a preference visa has been approved is valid only so long as the licensee is a resident of the state of Minnesota, is not valid for the purpose of reciprocity with any other state, territory, or country and is conditioned upon:

A. the approved petition remaining in full force and effect;

B. his obtaining the status of lawful permanent resident of the United States as soon as he is eligible therefor;

C. his making a declaration of intent to become a citizen of the United States as soon as practicable thereafter; and

D. his naturalization as a citizen of the United States as soon thereafter as authorized by the statutes of the United States.

If he fails, neglects, or refuses, for reasons within or beyond his control, to become a lawful permanent resident of the United States, to make a declaration of intent to become a citizen of the United States, and to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

A license issued to an applicant who is a lawful permanent resident of the United States and who has made a declaration of intent to become a citizen of the United States is conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon a licensee described in the first sentence of this subpart becoming a lawful permanent resident of the United States and making a declaration of intent to become a citizen of the United States, his license shall be valid irrespective of his status as a resident of the state of Minnesota, shall be valid for purpose of reciprocity with any other state, territory, or country, and shall be conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon any licensee described in this subpart becoming a naturalized citizen of the United States, the restrictions contained in this subpart shall be of no further force or effect.

Statutory Authority: *MS s 147.01 subd 3*

5600.0700 LICENSE BY ENDORSEMENT WITHOUT EXAMINATION TO PRACTICE MEDICINE AND SURGERY.

Subpart 1. Application. An application for a license to practice medicine and surgery by endorsement without written examination may be made by any applicant who is a diplomate of the National Board of Medical Examiners or of the National Board of Examiners for Osteopathic Physicians and Surgeons, or who has passed a licensing examination given by the appropriate board or agency of any state which the board may from time to time determine to be acceptable, as provided in Minnesota Statutes, section 147.03; provided however, that the board may require the applicant to be examined in such subjects which, in the opinion of the board, have not been satisfactorily covered.

Subp. 2. Contents of application. Such application shall be submitted on forms prepared by the board and shall include the following information:

A. The information required by part 5600.0200, subpart 2, items C to F and part 5600.0600, subpart 2.

B. Original or certified copy of the certificate or diploma from the appropriate national or state board or agency, as referred to in subpart 1, evidencing satisfactory completion of the examination therein referred to.

C. If the applicant is a graduate of a foreign medical school:

(1) evidence satisfactory to the board that the applicant has been awarded a certificate by the Education Council for Foreign Medical Graduates (ECFMG), certifying to the applicant's formal education, his having passed the ECFMG English test and his having passed the ECFMG examination;

(2) original or certified copy of birth certificate; and

(3) the information required by part 5600.0900, subpart 2, items D and E. The evidence required in subitem (1) shall not be required, however, if the applicant is a diplomate of a medical specialty board approved by the American Medical Association.

D. Evidence satisfactory to the board that the applicant has satisfactorily completed either one year of graduate training in an institution in the United States or Canada approved for internship or graduate training by the board, or other graduate training approved by the board.

Subp. 3. **Ineligible applicants.** An applicant whose credentials are determined by the board to indicate ineligibility for licensure shall be notified of such determination and the grounds therefor and may be granted a hearing thereon in accordance with the provisions of part 5615.0300 by filing a statement of issues with the board within 20 days after receipt of such notice from the board. After such hearing the board shall notify the applicant, in writing, of its decision thereon.

Subp. 4. **Citizenship status.** A license issued to an applicant whose petition for a preference visa has been approved is valid only so long as the licensee is a resident of the state of Minnesota, is not valid for the purpose of reciprocity with any other state, territory, or country, and is conditioned upon:

- A. the approved petition remaining in full force and effect;
- B. his obtaining the status of lawful permanent resident of the United States as soon as he is eligible therefor;
- C. his making a declaration of intent to become a citizen of the United States as soon as practicable thereafter; and
- D. his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States.

If he fails, neglects, or refuses, for reasons within or beyond his control, to become a lawful permanent resident of the United States, to make a declaration of intent to become a citizen of the United States, and to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

A license issued to an applicant who is a lawful permanent resident of the United States and who has made a declaration of intent to become a citizen of the United States is conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon a licensee described in the first sentence of this subpart becoming a lawful permanent resident of the United States and making a declaration of intent to become a citizen of the United States, his license shall be valid irrespective of his status as a resident of the state of Minnesota, shall be valid for the purpose of reciprocity with any other state, territory, or country, and shall be conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon any licensee described in this subpart becoming a naturalized citizen of the United States, the restrictions contained in this subpart shall be of no further force or effect.

Statutory Authority: *MS s 147.01 subd 3*

5600.0800 TEMPORARY PERMITS TO PRACTICE MEDICINE AND TEMPORARY CERTIFICATES FOR GRADUATE TRAINING.

Subpart 1. **Application for temporary permits.** Applications for a temporary permit to practice medicine, pursuant to the provisions of Minnesota Statutes, section 147.02, shall be submitted on forms prepared by the board and shall include the information required in part 5600.0600, subpart 2.

Subp. 2. **Application for temporary certificates.** An application for a temporary certificate for graduate training, pursuant to the provisions of Minnesota Statutes, section 147.16, may be issued only to a graduate of a foreign medical school. Such application shall be submitted on forms prepared by the board, which shall include the following information:

- A. Original or certified copy of birth certificate.
- B. Evidence of good moral character satisfactory to the board.
- C. Evidence satisfactory to the board that the applicant is a graduate of a foreign medical school approved by the licensing authority of the jurisdiction or country in which such medical school is located and is the holder of an approved diploma or degree recognized by the board as evidencing a level of training from said approved foreign medical school commensurate with medical training required by approved medical schools in the United States.
- D. If the applicant is licensed to practice medicine and surgery in a foreign country, the original or a certified copy of his then current license to practice medicine and surgery in such foreign country, issued by the school from which he graduated or by the appropriate licensing body of the country in which he was originally licensed. If applicant is not so licensed, evidence satisfactory to the board that applicant has passed an examination, or is eligible therefor, which is substantially equivalent to the examination given by the board to applicants for a license to practice medicine in all of its branches in Minnesota.
- E. Evidence satisfactory to the board that the applicant has been awarded a certificate by the Educational Council for Foreign Medical Graduates (ECFMG), certifying to the applicant's formal education, his having passed the ECFMG English test, and his having passed the ECFMG examination.
- F. The name and location of the institution at which such graduate training will be taken, and evidence that the institution has accepted the applicant for training.
- G. In the case of an applicant for residency training, evidence satisfactory to the board that said applicant has completed at least 12 months of hospital training as an intern in a hospital acceptable to the board.
- H. The information required by part 5600.0200, subpart 2, items E and F.

Subp. 3. **Graduate training.** Upon issuance of a temporary certificate for graduate training, the holder may take postgraduate training in a teaching institution within the state of Minnesota approved for resident training by the board.

Subp. 4. **Performance of services during training.** The holder of such certificate may perform those services incident to the training prescribed by the approved institution while acting under the direction of a person licensed to practice medicine and surgery in this state; provided, however, that no fee or remuneration of any kind shall be collected by the holder of such certificates from any patients treated by him; and, provided, further, that said holder of the certificate shall confine his training and practice to the institution or group of institutions designated in his original or amended application.

Subp. 5. **Ineligible applicants.** An applicant whose credentials are determined by the board to indicate ineligibility for such temporary permit or certificate shall be notified of such determination and the grounds therefor and may be granted a hearing thereon in accordance with the provisions of part

5615.0300, by filing a statement of issues with the board within 20 days after receipt of such notice from the board. After such hearing, the board shall notify the applicant in writing, of its decision thereon.

Subp. 6. **Citizenship status.** A license issued to an applicant whose petition for a preference visa has been approved is valid only so long as the licensee is a resident of the state of Minnesota, is not valid for the purpose of reciprocity with any other state, territory, or country, and is conditioned upon:

- A. the approved petition remaining in full force and effect;
- B. his obtaining the status of lawful permanent resident of the United States as soon as he is eligible therefor;
- C. his making a declaration of intent to become a citizen of the United States as soon as practicable thereafter; and
- D. his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States.

If he fails, neglects, or refuses, for reasons within or beyond his control, to become a lawful permanent resident of the United States, to make a declaration of intent to become a citizen of the United States, and to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

A license issued to an applicant who is a lawful permanent resident of the United States and who has made a declaration of intent to become a citizen of the United States is conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon a licensee described in the first sentence of this subpart becoming a lawful permanent resident of the United States and making a declaration of intent to become a citizen of the United States, his license shall be valid irrespective of his status as a resident of the state of Minnesota, shall be valid for the purpose of reciprocity with any other state, territory, or country, and shall be conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon any licensee described in this subpart becoming a naturalized citizen of the United States, the restrictions contained in this subpart shall be of no further force or effect.

Statutory Authority: *MS s 147.01 subd 3*

5600.0900 LICENSURE OF FOREIGN GRADUATES IN MEDICINE AND SURGERY.

Subpart 1. **Definition.** As used herein, the term "foreign medical school" shall mean a medical school located outside the United States and Canada.

Subp. 2. **Application.** A graduate of a foreign medical school may apply for admission to a licensing examination in accordance with Minnesota Statutes, section 147.02, by filing with the board an application on forms provided by the board, which forms shall include the following information:

- A. The information required by part 5600.0200, subpart 2, items C, E, and F.
- B. Evidence satisfactory to the board that the applicant is a graduate of a foreign medical school and is the holder of an approved diploma or degree

recognized by the board as evidencing a level of training from said approved foreign medical school commensurate with the medical training required by approved medical schools in the United States.

C. Original or certified copy of birth certificate.

D. If the applicant is licensed to practice medicine and surgery in a foreign country, the original or a certified copy of his license to practice medicine and surgery in such foreign country, issued by the school from which he graduated or by the appropriate licensing body of the country in which he was originally licensed. If applicant is not so licensed, evidence satisfactory to the board that applicant has passed an examination, or is eligible therefor, which is substantially equivalent to the examination given by the board to applicants for a license to practice medicine in all of its branches in Minnesota.

E. Evidence satisfactory to the board that the applicant has been awarded a certificate by the Educational Council for Foreign Medical Graduates (ECFMG), certifying to the applicant's formal education, his having passed the ECFMG English test and his having passed the ECFMG examination.

F. The name and location of the institution at which such graduate training will be taken, and evidence that the institution has accepted the applicant for training.

G. (1) Evidence satisfactory to the board that the applicant has been awarded a certificate by the Educational Council for Foreign Medical Graduates (ECFMG), certifying to the applicant's formal education, his having passed the ECFMG English test, and his having passed the ECFMG examination, and

(2) evidence satisfactory to the board that the applicant has satisfactorily completed either one year of graduate training in an institution in the United States or Canada approved for internship or graduate training by the board, or other graduate training approved by the board. The evidence required in subitem (1) shall not be required, however, if the applicant is a diplomate of a medical specialty board, approved by the American Medical Association or if the applicant has successfully completed the licensure examination prepared and graded by the Federation of State Medical Boards of the United States.

Subp. 3. **Ineligible applicants.** An applicant whose credentials are determined by the board to indicate ineligibility for examination shall be notified of such determination and the grounds therefor and may be granted a hearing thereon in accordance with the provisions of part 5615.0300, by filing a statement of issues with the board within 20 days after receipt of such notice from the board. After such hearing the board shall notify the applicant, in writing, of its decision thereon.

Subp. 4. **Filing date.** All applications for examination must be fully completed and forwarded to the secretary of the board, postmarked not later than 30 days before the date of the examination.

Subp. 5. **Citizenship status.** A license issued to an applicant whose petition for a preference visa has been approved is valid only so long as the licensee is a resident of the state of Minnesota, is not valid for the purpose of reciprocity with any other state, territory, or country, and is conditioned upon:

A. the approved petition remaining in full force and effect;

B. his obtaining the status of lawful permanent resident of the United States as soon as he is eligible therefor;

C. his making a declaration of intent to become a citizen of the United States as soon as practicable thereafter; and

D. his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States.

If he fails, neglects, or refuses, for reasons within or beyond his control, to become a lawful permanent resident of the United States, to make a declaration of intent to become a citizen of the United States, and to become a naturalized

citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

A license issued to an applicant who is a lawful permanent resident of the United States and who has made a declaration of intent to become a citizen of the United States is conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon a licensee described in the first sentence of this subpart becoming a lawful permanent resident of the United States and making a declaration of intent to become a citizen of the United States, his license shall be valid irrespective of his status as a resident of the state of Minnesota, shall be valid for the purpose of reciprocity with any other state, territory, or country, and shall be conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon any licensee described in this subpart becoming a naturalized citizen of the United States, the restrictions contained in this subpart shall be of no further force or effect.

Statutory Authority: *MS s 147.01 subd 3*

5600.1000 LICENSURE TO PRACTICE MEDICINE AND SURGERY BY PERSONS LICENSED TO PRACTICE OSTEOPATHY.

Subpart 1. Application. Any person licensed to practice osteopathy in this state under Minnesota Statutes, sections 148.11 to 148.16, inclusive, may apply to this board for admission to a licensing examination to practice medicine and surgery by filing with the board an application as hereinafter prescribed.

Subp. 2. Content of application. Such application shall be submitted on forms prepared by the board and shall include the following information:

A. original or certified copy of diploma from an osteopathic college, duly accredited by the board, indicating that the applicant has satisfactorily completed a course of study acceptable to the board, and that he has received from such college the degree of Doctor of Osteopathy;

B. original or certified copy of applicant's then current license to practice osteopathy in this state;

C. the information required by part 5600.0200, subpart 2, items C to F; and

D. applicant's statement as to the locations at which he has practiced osteopathy from the date of his licensure, showing the beginning and ending dates for each such location.

Subp. 3. Examination requirement. The applicant, prior to licensure to practice medicine and surgery, shall be required to satisfactorily pass an examination prepared and graded by the Federation of State Medical Boards of the United States.

Subp. 4. Ineligible applicants. An applicant whose credentials are determined by the board to indicate ineligibility for examination shall be notified of such determination and the grounds therefor and may be granted a hearing thereon in accordance with the provisions of part 5615.0300, by filing a statement of issues with the board within 20 days after receipt of such notice from the board. After such hearing the board shall notify the applicant, in writing, of its decision thereon.

Subp. 5. **Filing date.** All applications for examinations must be fully completed and forwarded to the secretary of the board, postmarked not later than 30 days before the date of the examination.

Subp. 6. **Citizenship status.** A license issued to an applicant whose petition for a preference visa has been approved is valid only so long as the licensee is a resident of the state of Minnesota, is not valid for the purpose of reciprocity with any other state, territory, or country, and is conditioned upon:

- A. the approved petition remaining in full force and effect;
- B. his obtaining the status of lawful permanent resident of the United States as soon as he is eligible therefor;
- C. his making a declaration of intent to become a citizen of the United States as soon as practicable thereafter; and
- D. his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States.

If he fails, neglects, or refuses, for reasons within or beyond his control, to become a lawful permanent resident of the United States, to make a declaration of intent to become a citizen of the United States, and to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

A license issued to an applicant who is a lawful permanent resident of the United States and who has made a declaration of intent to become a citizen of the United States is conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon a licensee described in the first sentence of this subpart becoming a lawful permanent resident of the United States and making a declaration of intent to become a citizen of the United States, his license shall be valid irrespective of his status as a resident of the state of Minnesota, shall be valid for the purpose of reciprocity with any other state, territory, or country, and shall be conditioned upon his naturalization as a citizen of the United States as soon thereafter as is authorized by the statutes of the United States, and if he fails, neglects, or refuses for reasons within or beyond his control to become a naturalized citizen of the United States as above set forth, the board may revoke his license upon proof of the same.

Upon any licensee described in this subpart becoming a naturalized citizen of the United States, the restrictions contained in this subpart shall be of no further force or effect.

Statutory Authority: *MS s 147.01 subd 3*

PHYSICAL THERAPY

5600.1500 REGISTRATION EXAMINATION TO PRACTICE PHYSICAL THERAPY.

Subpart 1. **Application.** An application for admission to a registration examination to practice physical therapy shall be filed with the board as hereinafter prescribed. If the board finds that the application is complete and that all of the requirements of the statute and of these rules have been met, it shall advise the applicant of the date and place of the examination.

Subp. 2. **Content.** The application shall be submitted on forms prepared by the board and shall include the following information:

- A. original or certified copy of high school diploma or evidence of equivalent education;
- B. original or certified copy of diploma, degree, or certificate or evidence satisfactory to the board, indicating that the applicant has satisfactorily

completed an approved curriculum in physical therapy as provided in Minnesota Statutes, section 148.70, clause (d), and has graduated from a school of physical therapy approved by the board and having standards of education and training substantially equivalent to the standards and training of the University of Minnesota;

C. evidence, satisfactory to the board, that the applicant is of good moral character;

D. an unmounted recent photograph with the affidavit of the applicant on the reverse side thereof that the photograph is that of the applicant; and

E. the address or name of location or institution at which the applicant intends to regularly practice physical therapy.

Subp. 3. **Examination.** An applicant, prior to registration, shall be examined in the subject matter described in Minnesota Statutes, section 148.70, clause (d), and a listing of the subjects to be covered shall be made available by the board to the applicant. Such examination may be oral, written, or both and shall be conducted by the board with the assistance of the state examining committee.

Subp. 4. **Ineligible applicants.** An applicant whose credentials are determined by the board to indicate ineligibility for examination shall be notified of such determination and the grounds therefor and may be granted a hearing thereon in accordance with the provisions of part 5615.0300, by filing a statement of issues with the board within 20 days after receipt of such notice from the board. After such hearing the board shall notify the applicant, in writing, of its decision thereon.

Subp. 5. **Filing date.** All applications for examination must be fully completed and forwarded to the secretary of the board, postmarked not later than 30 days before the date of the examination.

Statutory Authority: *MS s 147.01 subd 3*

5600.1600 REGISTRATION TO PRACTICE PHYSICAL THERAPY WITHOUT EXAMINATION.

Subpart 1. **Application.** The board may register as a physical therapist in this state without examination any person who presents evidence satisfactory to the boards of having passed an examination in accordance with the provisions of Minnesota Statutes, section 148.72, subdivision 2, administered by a duly accredited examining agency.

Subp. 2. **Information required.** An applicant for registration without examination shall submit on forms provided by the board the following information:

A. original or certified copy of high school diploma, transcript of high school credits, or evidence of equivalent education;

B. original or certified copy of diploma, degree, or certificate of completion of an approved course in physical therapy;

C. original or certified copy of current license or certificate to practice physical therapy, if any, issued by the duly accredited examining agency of the state or foreign country from which the applicant is seeking registration without examination;

D. unmounted recent photograph of applicant with an affidavit on the reverse side thereof made by the applicant that the photograph is that of the applicant;

E. a recommendation of good moral character by one physician and one physical therapist, each duly registered to practice medicine and physical therapy in the United States or Canada; and

F. the address or name of location or institution at which the applicant intends to regularly practice physical therapy.

Subp. 3. **Ineligible applicants.** An applicant whose credentials are determined by the board to indicate ineligibility for registration shall be notified of such determination and the grounds therefor and may be granted a hearing thereon in accordance with the provisions of part 5615.0300, by filing a statement of issues with the board within 20 days after receipt of such notice from the board. After such hearing the board shall notify the applicant, in writing, of its decision thereon.

Statutory Authority: *MS s 147.01 subd 3*

5600.1700 CONDUCT OF PHYSICAL THERAPISTS.

Subpart 1. **Definitions.** In order to carry out the requirements of Minnesota Statutes, section 148.65, subdivision 2, the terms herein defined shall have the following meanings:

A. "Direct supervision" within the meaning of Minnesota Statutes, section 148.65, subdivision 2, shall mean a course of physical therapy under prescription, as defined in item B, administered to a patient by a physical therapist under the direction, control, and critical evaluation of a physician who from time to time during the course of prescribed physical therapy makes such examination of the patient as the prescribing physician shall deem necessary to insure such change in the course of treatment as may be indicated.

B. "Prescription," as used in Minnesota Statutes, section 148.65, subdivision 2, shall mean a written order signed by a physician duly licensed to practice medicine and surgery in this state directing that the physical therapist administer to the physician's patient a specified course of physical therapy, and containing such other orders, directions, and information as the physician may deem necessary to inform the physical therapist of the nature and extent of the treatment.

Subp. 2. **Place of treatment.** The course of physical therapy described in subpart 1, item A shall be conducted by the physical therapist in a place which is suitable to enable the prescribing physician to carry out the direct supervision referred to in subpart 1, item A.

Subp. 3. **Treatment.** A physical therapist shall not, without the express direction of the prescribing physician, initiate, change, or terminate treatment, provided that in case of emergency the physical therapist may change or terminate treatment which the patient cannot tolerate, in which case the physical therapist shall notify the prescribing physician thereof immediately.

Subp. 4. **Reports.** The physical therapist shall render reports to the prescribing physician from time to time as determined by the prescribing physician, giving detailed information to the prescribing physician on the condition of the patient and in progress of the therapy.

Subp. 5. **Validity of prescription.** No prescription, as defined in subpart 1, item B, shall be valid for a period longer than six weeks from and after the date on which it is signed, and no course of physical therapy being rendered pursuant to such prescription shall be continued thereafter unless the prescription is renewed.

Subp. 6. **Retention of prescriptions.** Every physical therapist shall retain all prescriptions received by him for at least two years after such receipt and shall maintain a file thereof available for the inspection of the board.

Subp. 7. **New addresses.** Every physical therapist who shall hereafter change the location of the place at which he regularly practices physical therapy shall promptly notify the board in writing of the address of his new location or the name of the institution in which he is practicing physical therapy.

Statutory Authority: *MS s 147.01 subd 3*

MIDWIFERY

5600.2000 LICENSURE EXAMINATION TO PRACTICE MIDWIFERY.

Subpart 1. **Definition.** As used in Minnesota Statutes, section 148.30, the practice of midwifery includes the furthering or undertaking by any person to assist or attend a woman in normal pregnancy and childbirth, but shall not include the use of any instrument at a childbirth, except such instrument as is necessary in severing the umbilical cord, nor does it include the assisting of childbirth by an artificial, forcible, or mechanical means, nor the removal of adherent placenta, nor the administering, prescribing, advising, or employing, either before or after any childbirth, of any drug, other than a disinfectant or cathartic.

Subp. 2. **Application.** An application for admission to a licensing examination to practice midwifery in this state shall be filed with the board as hereinafter prescribed. If the board finds that the application is complete and that all of the requirements of the statute and of these rules have been met, it shall advise the applicant of the date and place of the examination.

Subp. 3. **Content of application.** The application shall require the applicant to submit the following information:

A. original or certified copy of high school diploma or evidence of equivalent education;

B. original or certified copy of diploma, degree, or certificate, or evidence satisfactory to the board, indicating that the applicant has satisfactorily completed an approved curriculum in midwifery in a school or maternity hospital approved by the board;

C. evidence, satisfactory to the board that the applicant is of good moral character; and

D. an unmounted recent photograph of the applicant with the affidavit of the applicant on the reverse side thereof that the photograph is that of the applicant.

Subp. 4. **Subjects tested.** The examination shall include the following subjects: anatomy of the pelvis and female generative organs; physiology of menstruation; diagnosis and management of pregnancy, fetal presentation, and position; mechanism and management of normal labor; management of the puerperium; injuries to the genital organ following labor; sepsis and asepsis in relation to labor; special care of the bed and lying-in room; hygiene of the mother and infant; asphyxiation, convulsions, malformation, and infectious disease of the newborn; cause and effects of ophthalmia neonatorum; abnormal conditions requiring attendance of a physician.

Subp. 5. **Ineligible applicants.** An applicant whose credentials are determined by the board to indicate ineligibility for examination shall be notified of such determination and the grounds therefor and may be granted a hearing thereon in accordance with the provisions of part 5615.0300, by filing a statement of issues with the board within 20 days after receipt of such notice from the board. After such hearing the board shall notify the applicant, in writing, of its decision thereon.

Subp. 6. **Application deadline.** All applications for examination must be fully completed and forwarded to the secretary of the board, postmarked not later than 30 days before the date of the examination.

Statutory Authority: *MS s 147.01 subd 3*

5600.2100 MIDWIFERY ETHICS.

The board may revoke, suspend, condition, limit, qualify, or restrict the license of, or refuse to renew the license of, any midwife for unprofessional or dishonorable conduct, which shall include but not be limited to the following:

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A. conviction of the crime of criminal abortion or of a crime involving moral turpitude;

B. neglect or refusal to promptly make proper returns to a health officer or health department of births, of a puerperal, contagious, or infectious disease;

C. failure promptly to secure the attendance of duly licensed physician in case of miscarriage, hemorrhage, abnormal presentation or position, retained placenta, convulsions, prolapse of the cord, fever during parturient stage, inflammation or discharge from the eyes of the newborn infant, or whenever any abnormal or unhealthy symptoms appear either in the mother or infant during pregnancy, labor, or the puerperium.

Statutory Authority: *MS s 147.01 subd 3*

5600.2500 ANNUAL REGISTRATION FEE.

The annual registration fee referred to in Minnesota Statutes, section 146.13 is hereby fixed at the sum of \$20.

Statutory Authority: *MS s 147.01 subd 3; 147.02; 214.06*