

CHAPTER 5600
BOARD OF MEDICAL EXAMINERS
LICENSURE

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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 (l), 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 (l), 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; date and place of examination.** 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. **Form and content.** The application must be submitted on forms prepared by the board and must include the following information:

A. If the applicant is a graduate of a medical or osteopathic college approved by the board, an original or certified copy of the diploma from the medical or osteopathic college, indicating that the applicant has satisfactorily completed a course of study acceptable to the board and that he or she has received from the 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 or her credits, together with evidence, satisfactory to the board, that the applicant has satisfactorily completed the course of study prior to the 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 or she has received from the college the degree of Doctor of Medicine or Doctor of Osteopathy.

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

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

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E. Other information as the board deems necessary to evaluate the qualifications of the applicant.

Subp. 3. **Additional evidence.** 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 the 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 Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.), the applicant satisfactorily passed an examination prepared and graded according to 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 this determination and the grounds for it and may be granted a hearing on this determination under part 5615.0300 by filing a statement of issues with the board within 20 days after receipt of the notice from the board. After the hearing the board shall notify the applicant in writing of its decision.

Subp. 5. **Evidence of training.** An applicant who has satisfactorily completed the licensing examination, and who has fulfilled all the requirements of Minnesota Statutes, chapter 147, and this chapter, 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. **Filing deadline.** 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. [Repealed by amendment, 8 SR 2573]

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

History: *8 SR 2573*

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. **Who may apply.** An application for a license to practice medicine and surgery without written examination according to Minnesota Statutes, section 147.03, may be made by a physician licensed by an accredited state licensing board or agency.

Subp. 2. **Submission and contents of application.** The application must be submitted on forms prepared by the board and must 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 license is in good standing. If the applicant is a graduate of a foreign medical school, he or she shall also submit the information required by part 5600.0900, subpart 2, items D and E, and the original or a certified copy of a birth certificate.

B. An original or certified copy of a diploma from a medical or osteopathic college accredited by the board, indicating that the applicant has satisfactorily completed a course of study acceptable to the board, and that he or she has received from the college the degree of Doctor of Medicine or Doctor of Osteopathy. If the applicant is a graduate of a foreign medical school, he or she shall submit instead 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, certifying to the applicant's formal education and passage of the ECFMG English test and the ECFMG examination. This evidence is not required if the applicant:

(1) was licensed by examination in a state which at the time of applicant's licensure in the state did not require that he or she 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 E.

Subp. 3. **Passing grade.** A FLEX weighted average of 75.0 or a grade average of 75.0 on examinations other than FLEX shall be the passing grade on all examinations graded by the board. If the applicant fails the examination, he or she shall repeat the entire examination. An applicant may take the test not more than five times, at which point he or she is no longer eligible to take the examination. An applicant who has failed the examination five times is not eligible for licensure by the board.

Subp. 4. [Repealed by amendment, 8 SR 2573]

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

History: 8 SR 2573

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

Subpart 1. **Who may apply.** An application for a license to practice medicine and surgery by endorsement without written examination may be made by an 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 a state which the board determines acceptable as provided in Minnesota Statutes, section 147.03; provided however, that the board may require the applicant to be examined in subjects which, in the opinion of the board, have not been satisfactorily covered.

Subp. 2. **Submission and contents of application.** The application must be submitted on forms prepared by the board and must include the following information:

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

B. An 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 licensing examination referred to in subpart 1.

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, certifying to the applicant's formal education and passage of the ECFMG English test and the ECFMG examination;

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

(3) the information required by part 5600.0900, subpart 2, items D and E.

The evidence required in subitem (1) is not required 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 this determination and the grounds for it and may be granted a hearing on this determination according to part 5615.0300 by filing a statement of issues with the board within 20 days after receipt of this notice from the board. After the hearing the board shall notify the applicant in writing of its decision.

Subp. 4. [Repealed by amendment, 8 SR 2573]

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

History: *8 SR 2573*

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

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

Subp. 2. **Application for temporary certificate.** An application for a temporary certificate for graduate training under Minnesota Statutes, section

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147.16 may be issued only to a graduate of a foreign medical school. The application must be submitted on forms prepared by the board, which must include the following information:

- A. An original or certified copy of a 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 or her then current license to practice medicine and surgery in the foreign country, issued by the school from which he or she graduated or by the appropriate licensing body of the country in which he or she was originally licensed. If applicant is not so licensed, evidence satisfactory to the board that the 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, certifying to the applicant's formal education and passage of the ECFMG English test and 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 the 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 D and E.

Subp. 3. Postgraduate 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. Services allowed. The holder of a temporary 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 a certificate from any patients treated by the holder; and, provided, further, that the holder of the certificate shall confine his or her training and practice to the institution or group of institutions designated in the original or amended application.

Subp. 5. Ineligible applicants. An applicant whose credentials are determined by the board to indicate ineligibility for a temporary permit or certificate shall be notified of this determination and the grounds for it and may be granted a hearing on this determination according to part 5615.0300 by filing a statement of issues with the board within 20 days after receipt of the notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

Subp. 6. [Repealed by amendment, 8 SR 2573]

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

History: *8 SR 2573*

5600.0900 LICENSURE OF FOREIGN GRADUATES IN MEDICINE AND SURGERY.

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

Subp. 2. **Who may apply.** 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 must include the following information:

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

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 the approved foreign medical school commensurate with the medical training required by approved medical schools in the United States.

C. An original or certified copy of a birth certificate.

D. If the applicant is licensed to practice medicine and surgery in a foreign country, the original or a certified copy of the license to practice medicine and surgery in the foreign country, issued by the school from which he or she graduated or by the appropriate licensing body of the country in which he or she was originally licensed. If the applicant is not so licensed, evidence satisfactory to the board that the applicant has passed an examination, or is eligible for it, 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, certifying to the applicant's formal education and passage of the ECFMG English test and the ECFMG examination.

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

G. Evidence satisfactory to the board:

(1) that the applicant has been awarded a certificate by the Educational Council for Foreign Medical Graduates, certifying to the applicant's formal education and passage of the ECFMG English test and the ECFMG examination; and

(2) 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) is not required 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 this determination and the grounds for it and may be granted a hearing on this determination under part 5615.0300 by filing a statement of issues with the board within 20 days after receipt of the notice from the board. After the hearing the board shall notify the applicant in writing of its decision.

Subp. 4. **Filing 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.

Subp. 5. [Repealed by amendment, 8 SR 2573]

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

History: *8 SR 2573*

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

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

Subp. 2. **Form and content of application.** The application must be submitted on forms prepared by the board and must include the following information:

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

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

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

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

Subp. 3. **Required passage of examination.** The applicant, prior to licensure to practice medicine and surgery, shall 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 this determination and the grounds for it and may be granted a hearing on this determination under part 5615.0300 by filing a statement of issues with the board within 20 days after receipt of the notice from the board. After the hearing the board shall notify the applicant in writing of its decision.

Subp. 5. **Filing deadline.** 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. [Repealed by amendment, 8 SR 2573]

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

History: *8 SR 2573*

5600.1500 [Repealed, 8 SR 2573]

5600.1600 [Repealed, 8 SR 2573]

5600.1700 [Repealed, 8 SR 2573]

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:

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

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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*