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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1635

02/25/2019

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The bill was read for the first time and referred to the Committee on Health and Human Services Policy

- 1.1 A bill for an act
- 1.2 relating to health; establishing graduate registered physician licensure; proposing
- 1.3 coding for new law in Minnesota Statutes, chapter 147.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **[147.045] GRADUATE REGISTERED PHYSICIANS.**
- 1.6 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
- 1.7 the meanings given.
- 1.8 (b) "Graduate registered physician" means an individual who is licensed under this
- 1.9 section.
- 1.10 (c) "Medical school" means an accredited allopathic or osteopathic medical school.
- 1.11 (d) "Supervising physician" means a physician who enters into a supervision protocol
- 1.12 with a graduate registered physician.
- 1.13 (e) "Supervision" means overseeing the activities of and accepting responsibility for the
- 1.14 health care services performed by a graduate registered physician.
- 1.15 Subd. 2. Qualifications for licensure. (a) In order to be licensed as a graduate registered
- 1.16 physician, an individual must:
- 1.17 (1) be a resident of Minnesota, a United States citizen, or a resident legal alien;
- 1.18 (2) have graduated from a medical school; and
- 1.19 (3) not be currently enrolled in an Accreditation Council for Graduate Medical Education
- 1.20 (ACGME) training program.

- 2.1 (b) To apply for a graduate registered physician license, an individual must:
- 2.2 (1) submit an application as required by the board;
- 2.3 (2) pay the physician application fee as required in section 147.01, subdivision 7,
- 2.4 paragraph (a), clause (1);
- 2.5 (3) submit documentation of successful completion of an examination as described in
- 2.6 section 147.02, subdivision 1, paragraph (c);
- 2.7 (4) attest that the individual has not completed an ACGME postgraduate training program;
- 2.8 (5) attest that the individual does not have a license, certificate, or registration under the
- 2.9 individual's current discipline;
- 2.10 (6) disclose any record of revocation, suspension, or probation for cause resulting from
- 2.11 the individual's medical practice;
- 2.12 (7) submit any additional information the board deems necessary to evaluate the
- 2.13 applicant's qualifications;
- 2.14 (8) submit to a criminal background check; and
- 2.15 (9) attest that the individual will enter into a protocol with a supervising physician within
- 2.16 six months after initial licensure under this section.
- 2.17 (c) The board may issue a graduate registered physician license to an individual who
- 2.18 meets the qualifications in paragraph (a) and submits an application under paragraph (b),
- 2.19 and whom the board determines to be of good moral character.
- 2.20 (d) After an individual is issued a license under this subdivision, but before the individual
- 2.21 begins to practice under the license, the individual must enter into a protocol with a
- 2.22 supervising physician and submit the protocol and a notification of intent to practice to the
- 2.23 board for approval. The notification of intent to practice must include the name, business
- 2.24 address, e-mail address, and telephone number of the supervising physician, and the name,
- 2.25 business address, and telephone number of the graduate registered physician. The graduate
- 2.26 registered physician must notify the board within ten days of any change in supervising
- 2.27 physician.
- 2.28 Subd. 3. **Renewal.** (a) A graduate registered physician license is valid for a three-year
- 2.29 period. Renewal shall take place in the same form and manner as for a licensed physician,
- 2.30 except that the board may require a graduate registered physician to submit additional
- 2.31 information for renewal.

(b) If a graduate registered physician leaves employment with a supervising physician and does not begin employment with another supervising physician within ten days, the graduate registered physician's license becomes inactive and the graduate registered physician must reapply for initial licensure in order to regain the license.

Subd. 4. Scope of practice. (a) A graduate registered physician may only provide health care services under the supervision of a licensed physician and in accordance with any applicable policies of the health care facility, and must work under a protocol drafted by the supervising physician and approved by the board that:

(1) describes how the graduate registered physician and supervising physician shall work together;

(2) establishes practice guidelines for the graduate registered physician;

(3) establishes a process and timeline for the supervising physician to evaluate the work of the graduate registered physician; and

(4) contains a statement from the supervising physician committing to supervise the graduate registered physician in accordance with all applicable statutes, laws, rules, and other regulations.

A graduate registered physician may perform the duties delegated by the supervising physician, which may include prescribing, ordering, and administering drugs and medical devices, and issuing patient care orders, except that a graduate registered physician's prescribing authority shall not exceed the prescribing authority of the supervising physician. The supervising physician may designate one or more additional back-up physicians who agree to supervise the graduate registered physician when the supervising physician is absent.

(b) The supervising physician must be identified on all prescriptions and orders issued by the graduate registered physician.

(c) A graduate registered physician is considered the agent of the supervising physician in the performance of all health-care-related activities.

Subd. 5. Supervision requirements. (a) The supervising physician or a designated back-up physician must be physically present at the site where the graduate registered physician is providing health care services.

(b) The supervising physician must regularly evaluate and provide feedback to the graduate registered physician.

4.1 (c) The supervising physician must be:

4.2 (1) licensed in the state and in good standing with the board; and

4.3 (2) certified in the physician's specialty area by the physician's member board of the
4.4 American Board of Medical Specialties.

4.5 (d) One supervising physician may supervise up to three graduate registered physicians.

4.6 Subd. 6. **Discipline.** (a) The conduct described in section 147.091 is prohibited and is
4.7 grounds for disciplinary action. The board may take the following disciplinary actions
4.8 against a graduate registered physician:

4.9 (1) refuse to grant a license;

4.10 (2) administer a public or private reprimand;

4.11 (3) revoke, suspend, limit, or otherwise restrict a license;

4.12 (4) require a graduate registered physician to submit to the care of a licensed physician;

4.13 or

4.14 (5) place the graduate registered physician on probation.

4.15 Subd. 7. **Title protection.** (a) An individual not licensed under this section is prohibited
4.16 from using the term "graduate registered physician" or any combination or abbreviation of
4.17 the term to indicate or imply that the individual is licensed under this section.

4.18 (b) Nothing in this section shall be construed to prohibit a health care professional from
4.19 using a title incorporating any of the words specified in paragraph (a), or from using a title
4.20 or designation that is not specifically protected in paragraph (a), if the title or designation
4.21 used is permitted under the health care professional's practice act.

4.22 Subd. 8. **Rulemaking authority.** The board may adopt rules necessary to implement
4.23 this section.

4.24 Subd. 9. **Malpractice.** A graduate registered physician is subject to a medical malpractice
4.25 action or other legal liability to the same extent as the supervising physician.