

CHAPTER 389—S.F.No. 2086

An act relating to health; extending dispensing authority to physician assistants and advanced practice nurses; amending Minnesota Statutes 1992, sections 147.34, subdivision 1; 148.235, by adding a subdivision; and 151.37, subdivisions 2 and 2a; Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23.

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

Section 1. Minnesota Statutes 1992, section 147.34, subdivision 1, is amended to read:

Subdivision 1. **DELEGATION OF AUTHORITY TO PRESCRIBE, DISPENSE, AND ADMINISTER DRUGS AND MEDICAL DEVICES.** (a) A supervising physician may delegate to a physician assistant who is registered with the board of medical practice and certified by the National Commission on Certification of Physician Assistants and who is under the supervising physician's supervision, the authority to prescribe, dispense, and administer legend drugs and medical devices, subject to the requirements in this section and other requirements established by the commissioner of health in rules. The authority to dispense includes, but is not limited to, the authority to receive and dispense sample drugs. This authority to dispense extends only to those drugs described in the written agreement developed under paragraph (b).

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

(c) The commissioner of health shall establish by rule:

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

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(2) a method of determining the categories of prescription drugs and medical devices that each physician assistant is allowed to prescribe and dispense; and

(3) a system of transmitting to pharmacies a listing of physician assistants eligible to prescribe prescription drugs and medical devices and the types of drugs and medical devices they are allowed to prescribe.

Sec. 2. Minnesota Statutes 1992, section 148.235, is amended by adding a subdivision to read:

Subd. 3. DISPENSING AUTHORITY. An advanced practice nurse who is authorized under this section to prescribe drugs is authorized to dispense drugs subject to the same requirements established for the prescribing of drugs. This authority to dispense extends only to those drugs described in the written agreement entered into under this section. The authority to dispense includes, but is not limited to, the authority to receive and dispense sample drugs.

Sec. 3. Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23, is amended to read:

Subd. 23. **PRACTITIONER.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, or licensed veterinarian. For purposes of sections 151.15, subdivision 4, 151.37, subdivision 2, paragraph (b), and 151.461, "practitioner" also means a physician assistant authorized to prescribe, dispense, and administer under section 147.34, or an advanced practice nurse authorized to prescribe, dispense, and administer under section 148.235.

Sec. 4. Minnesota Statutes 1992, section 151.37, subdivision 2, is amended to read:

Subd. 2. (a) A licensed practitioner in the course of professional practice only, may prescribe, administer, and dispense a legend drug, and may cause the same to be administered by a nurse or intern under the practitioner's direction and supervision, and may cause a person who is an appropriately certified and, registered, or licensed health care professional to prescribe, dispense, and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes.

(b) A licensed practitioner that dispenses for profit a legend drug that is to be administered orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the practitioner's licensing board a statement indicating that the practitioner dispenses legend drugs for profit, the general circumstances under which the practitioner dispenses for profit, and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs for profit after July 31, 1990, unless the statement has been filed with the appropriate licensing board. For purposes of this paragraph, "profit" means (1) any amount received

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by the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are purchased in prepackaged form, or (2) any amount received by the practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03. This paragraph does not apply to a licensed doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing by a community health clinic when the profit from dispensing is used to meet operating expenses.

Sec. 5. Minnesota Statutes 1992, section 151.37, subdivision 2a, is amended to read:

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

Presented to the governor April 5, 1994

Signed by the governor April 6, 1994, 11:24 a.m.

CHAPTER 390—H.F.No. 2090

An act relating to local government; providing that the statutory procedure for tree removal does not apply to trees removed from town roads dedicated by plat; amending Minnesota Statutes 1992, section 160.22, subdivision 7a, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1992, section 160.22, subdivision 7a, is amended to read:

Subd. 7a. **SCOPE; TREE AND HEDGE DEFINED.** For purposes of ~~subdivisions 5 to 8~~ this section, "tree" means a tree or woody perennial shrub or vine which is at least six inches in diameter, as measured at a point two feet from the ground, and "hedge" means any planted and maintained hedge within the right-of-way.

Sec. 2. Minnesota Statutes 1992, section 160.22, is amended by adding a subdivision to read:

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