

cates on abstracts and continuations of abstracts and certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, issued by such licensed abstracter.

Sec. 12. Minnesota Statutes 1994, section 386.68, is amended to read:

386.68 FEES.

The following fees must be paid to the commissioner: ~~an examination fee of \$25~~; an initial licensing fee of \$50; and a license renewal fee of \$40.

Sec. 13. Minnesota Statutes 1994, section 386.69, is amended to read:

386.69 LICENSES.

Licenses issued by the commissioner under the provisions hereof shall recite that such bond or insurance policy has been duly filed and approved, and the license shall authorize the official, person, firm or corporation named in it to engage in and carry on the business of an abstracter of real estate titles in the county in which said official, person, firm or corporation is authorized to make abstracts state of Minnesota. The license shall be issued for a period as determined by the commissioner, and shall thereafter be renewed upon conditions prescribed by the commissioner.

Sec. 14. **EFFECTIVE DATE.**

Sections 1 to 13 are effective the day following final enactment.

Presented to the governor April 18, 1995

Signed by the governor April 20, 1995, 2:20 p.m.

CHAPTER 69—H.F.No. 612

An act relating to health; requiring equal treatment of prescription drug prescribers; clarifying the role of practice guidelines in prescribing legend drugs; amending Minnesota Statutes 1994, section 151.37, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Section 1. [62A.307] PRESCRIPTION DRUGS; EQUAL TREATMENT OF PRESCRIBERS.

Subdivision 1. SCOPE OF REQUIREMENT. This section applies to any of the following if issued or renewed to a Minnesota resident or to cover a Minnesota resident:

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

- (1) a health plan, as defined in section 62A.011;
- (2) coverage described in section 62A.011, subdivision 3, clause (2), (3), or (6) to (12); and
- (3) a policy, contract, or certificate issued by a community integrated service network or an integrated service network licensed under chapter 62N.

Subd. 2. REQUIREMENT. Coverage described in subdivision 1 that covers prescription drugs must provide the same coverage for a prescription written by a health care provider authorized to prescribe the particular drug covered by the health coverage described in subdivision 1, regardless of the type of health care provider that wrote the prescription. This section is intended to prohibit denial of coverage based on the prescription having been written by an advanced practice nurse under section 148.235, a physician assistant under section 147.34, or any other nonphysician health care provider authorized to prescribe the particular drug.

Sec. 2. Minnesota Statutes 1994, 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, a physician assistant, or ~~intern~~ medical student or resident under the practitioner's direction and supervision, and may cause a person who is an appropriately certified, 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. A licensed practitioner may prescribe a legend drug, without reference to a specific patient, by directing a registered nurse, physician assistant, or medical student or resident to adhere to a particular practice guideline or protocol when treating patients whose condition falls within such guideline or protocol, and when such guideline or protocol specifies the circumstances under which the legend drug is to be prescribed and administered. An individual who verbally, electronically, or otherwise transmits a written, oral, or electronic order, as an agent of a prescriber, shall not be deemed to have prescribed the legend drug. This paragraph applies to a physician assistant only if the physician assistant meets the registration and certification requirements of section 147.34, subdivision 1, paragraph (a).

(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 by the practitioner in excess of the acquisition cost of a legend drug for legend

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

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.

Presented to the governor April 18, 1995

Signed by the governor April 19, 1995, 2:28 p.m.

CHAPTER 70—S.F.No. 1255

An act relating to corrections; authorizing use of force in defense of assault in correctional facilities under the control of or licensed by the commissioner; amending Minnesota Statutes 1994, section 243.52.

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

Section 1. Minnesota Statutes 1994, section 243.52, is amended to read:

243.52 DISCIPLINE; PREVENTION OF ESCAPE.

If any inmate of any ~~state~~ adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner of corrections under section 241.021 assaults any correctional officer or any other person or inmate, the assaulted person may use force in defense of the assault. If any inmate attempts to damage the buildings or appurtenances, resists the lawful authority of any correctional officer, refuses to obey the correctional officer's reasonable demands, or attempts to escape, the correctional officer may enforce obedience and discipline or prevent escape by the use of force. If any inmate resisting lawful authority is wounded or killed by the use of force by the correctional officer or assistants, that conduct is authorized under this section.

As used in this section, "use of force" means conduct which is defined by sections 609.06 to 609.066.

Presented to the governor April 18, 1995

Signed by the governor April 19, 1995, 2:15 p.m.

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