

## **4770.4014 HEALTH CARE PRACTITIONER REQUIREMENTS.**

**Subpart 1. Qualifications.** The commissioner must accept written certifications for the therapeutic use of medical cannabis only from health care practitioners who hold:

- A. an active license, in good standing, under Minnesota Statutes, chapter 147, for physicians, under Minnesota Statutes, chapter 147A, for physician assistants, or Minnesota Statutes, sections 148.171 to 148.285, the Minnesota Nurse Practice Act, for advanced practice registered nurses; and
- B. a DEA registration certificate.

**Subp. 2. Requirements.** Before issuing a written certification of qualifying condition, a health care practitioner must:

- A. have a medical relationship between the health care practitioner and patient with a qualifying condition;
- B. assess the patient's medical history and current medical condition, which includes:
  - (1) an in-person physical examination of the patient appropriate to confirm the diagnosis of a qualifying medical condition. This examination must not be performed by remote means, including telemedicine or via the Internet; and
  - (2) developing a treatment plan for the patient;
- C. communicate, as appropriate, with subspecialists also treating the registered patient; and
- D. certify that the patient has been diagnosed as having a qualifying medical condition, as defined in Minnesota Statutes, section 152.22, subdivision 14.

**Subp. 3. Duties.** When the certifying health care practitioner receives notice from the commissioner that a qualifying patient has been enrolled in the registry program, the certifying health care practitioner must:

- A. participate in the patient registry reporting system as established by the commissioner for each patient for whom the practitioner has written a certification of qualifying condition. A health care practitioner must transmit patient data as required by Minnesota Statutes, section 152.28, subdivision 1, paragraph (b);
- B. be available to provide continuing treatment of the patient's qualifying medical condition;
- C. maintain health records under part 4770.4017 for all patients for whom the practitioner has issued a written certification that supports the certification of a qualifying medical condition;

D. report health record data as requested by the commissioner under Minnesota Statutes, section 152.28, subdivision 1, paragraph (b);

E. make a copy of the records that support the certification of a qualifying medical condition available to the commissioner, and otherwise provide information to the commissioner upon request about the patient's qualifying medical condition, course of treatment, and pathological outcomes to ensure compliance with the act;

F. annually assess whether the registered qualifying patient continues to suffer from a qualifying medical condition and, if so, issue the patient a new certificate of that diagnosis; and

G. notify the commissioner, in a manner prescribed by the commissioner, in writing within 14 calendar days of learning of the death of a registered patient whose medical condition was certified by the health care practitioner.

**Statutory Authority:** *MS s 14.389; 152.26; 152.261*

**History:** *39 SR 1760; 40 SR 1599*

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