

CHAPTER 5600
BOARD OF MEDICAL PRACTICE
LICENSURE AND REGISTRATION

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5600.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in Minnesota Statutes, chapter 147, and Minnesota Statutes, sections 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 Practice.

Subp. 6. **Chemicals.** "Chemicals," as used in Minnesota Statutes, section 147.091, 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 147.081, 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 147.091, 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 147.081, 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 147.081.

Subp. 11. **Minor surgery.** "Minor surgery," as used in Minnesota Statutes, section 147.031, subdivision 2, relating to the practice of osteopathic medicine 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 147.091, 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*

History: *L 1991 c 106 s 6; L 2016 c 119 s 7*

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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 Osteopathic Medicine.

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 Osteopathic Medicine.

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.

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 Osteopathic Medicine (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; 147.02*

History: *8 SR 2573; L 2016 c 119 s 7*

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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*

Published Electronically: *June 11, 2008*

5600.0400 EXAMINATION RETAKING, PASSING SCORES, AND SITTINGS.

Subpart 1. **Federation licensing examination passing scores.** For examinations taken before June 1, 1985, a Federation Licensing Examination weighted average score of 75.0 shall be the passing score on examinations prepared and graded by the Federation of State Medical Boards of the United States. The latest weighted average score shall be the only weighted average score considered by the board. For examinations taken after June 1, 1985, the passing score on examinations prepared and graded by the Federation of State Medical Boards of the United States shall be a score of 75.0 on each component of the examination. The latest score for each component shall be the only one considered by the board except as provided in subpart 4.

Subp. 2. **Examination sittings.** Except as provided in subpart 4, each administration of the Federation Licensing Examination constitutes a sitting by the applicant whether the applicant takes one or more examination components in the examination administration. An applicant may take the number of sittings allowed in items A and B.

A. After June 1, 1985, an applicant who has not received a passing score on one or both components of the Federation Licensing Examination may complete up to five sittings of the examination before January 1, 1991, to obtain a passing score on both components of the examination. No additional sittings for the Federation Licensing Examination are permitted by the board after January 1, 1991, if the applicant has had three or more sittings as of January 1, 1991. After January 1, 1991, an applicant may take the Federation Licensing Examination components in separate sittings subject to subpart 3.

B. After January 1, 1991, an applicant not receiving a passing score on each component of the Federation Licensing Examination within three sittings shall not be eligible for licensure by the board nor permitted additional examination sittings.

Subp. 3. **Retaking of examinations.** An applicant who did not receive a passing weighted average score before June 1, 1985, must retake the entire Federation Licensing Examination.

An applicant who did not receive a passing score of 75.0 on a component of the Federation Licensing Examination after June 1, 1985, may either retake the entire examination and obtain passing scores on both components or retake the examination component for which the applicant did not receive a passing score and obtain a passing score on that examination component.

Subp. 4. **Licensure eligibility exception.** Applicants who were not eligible for licensure after June 1, 1985, because their Federation Licensing Examination passing scores were obtained in two but not more than five separate sittings may apply to the board after July 1, 1990, for licensure without retaking and passing an additional component or components of the Federation Licensing Examination.

The application shall be on forms prepared by the board and shall include the information required in part 5600.0200, subpart 2, items A to E, together with the fees described in part 5600.2500.

Statutory Authority: *MS s 147.01; 147.02; 147.03*

History: *15 SR 336*

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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 the application and examination.

Statutory Authority: *MS s 147.01*

History: *17 SR 1279*

Published Electronically: *June 11, 2008*

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 by reciprocity without a written examination according to Minnesota Statutes, section 147.03, may be made by an applicant having a valid license to practice issued by the proper agency in another state who has received a passing score from the Federation of State Medical Boards of the United States pursuant to part 5600.0400 or who has passed a licensing examination of another state with a grade average score of 75 or higher.

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.

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 Osteopathic Medicine.

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. [Repealed, 15 SR 336]

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

Statutory Authority: *MS s 147.01; 147.02; 147.03; 214.06*

History: *8 SR 2573; 15 SR 336; 24 SR 713; L 2016 c 119 s 7*

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5600.0605 LICENSE RENEWAL PROCEDURES.

Subpart 1. **License renewal cycle conversion.** This part converts the license renewal cycle for physicians from an annual cycle that begins on January 1 of each year to an annual cycle that begins with the last day of the licensee's month of birth. The conversion of the renewal cycle begins January 1, 1991. Subparts 2 to 12 contain license renewal procedures for licensees who were licensed before January 29, 1991. Under the conversion requirements of subpart 2 or 3, the license period following license renewal is from six to 17 months ending the last day of the licensee's month of birth.

Subp. 2. **Conversion of license renewal cycle for current licenses.** After January 1, 1991, for a licensee whose license is current as of December 31, 1990, the licensee's first renewal cycle begins on January 1, 1991, and ends on the last day of the licensee's month of birth. However, if

the licensee's month of birth is January, February, March, April, May, or June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in 1992.

Subp. 3. **Conversion of license renewal cycle for noncurrent licenses.** This subpart applies to a person who was licensed before January 29, 1991, but whose license is not current as of December 31, 1990. When the licensee renews the license after January 29, 1991, the renewal period begins with the date the licensee applies for renewal and ends with the last day of the licensee's month of birth. However, if the last day of the month of birth is less than six months after the date the license is renewed, then the renewal period ends on the last day of the licensee's month of birth in the next year after the year in which the renewal period began.

Subp. 4. **Subsequent renewal cycles.** After the licensee's renewal during the conversion period under subpart 2 or 3, the subsequent renewal cycles shall be annual cycles that begin on the last day of the month of the licensee's birth.

Subp. 5. **Service.** The licensee must maintain a correct mailing address with the board for receiving board communications, notices, and licensure renewal documents. Placing the license renewal application in first class United States mail, addressed to the licensee at the licensee's last known address with postage prepaid, constitutes valid service. Failure to receive the renewal documents does not relieve a license holder of the obligation to comply with this part.

Subp. 6. **Late submission.** A license renewal application and annual license fee received in the board office after the last day of the month in which the licensee's license expires shall not be processed and shall be returned to the licensee for payment of the late fee indicated in part 5600.2500, item F.

Subp. 7. **Incomplete application; notice.** If a licensee submits an application form or annual license fee that is incomplete, incorrect, or not in compliance with this part, the board shall notify the licensee of the deficiency within 30 calendar days after the board receives the licensee's application and shall give the licensee instructions for completing or correcting the application. The board will nullify a license renewal if the correction required in the board notice is not made within 30 days after the licensee receives the notice.

Subp. 8. **Removal of name from list.** The names of licensees who do not return a complete license renewal application, the annual license fee, or the late application fee within the time period listed in subpart 7, shall be removed from the list of individuals authorized to practice medicine and surgery during the current renewal period. Upon reinstatement of licensure, the licensee's name will be placed on the list of individuals authorized to practice medicine and surgery.

Subp. 9. **Conversion period and fees.** A licensee who holds a license issued before January 29, 1991, and who renews that license during the conversion period under subpart 2 or 3, shall pay the required license fees according to items A to E.

A. Licensees will be charged the full annual license fee listed in part 5600.2500, item B, for the licensure renewal occurring at the start of the conversion period.

B. For licensees whose conversion period was six to 11 months, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during

the conversion period. The credit is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the licensee's conversion period, up to 11 months, at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar.

C. For licensees whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. They will be charged the annual license fee listed in part 5600.2500, item B.

D. For licensees whose conversion period was between 13 and 17 months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of licensure months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid during the conversion period and the prorated license fee cost assessed at a rate of 1/12 of the annual fee per month rounded upward to the nearest dollar. The difference calculated is added to the full fee charged.

E. The second license renewal made after the conversion period and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item B.

Subp. 10. [Repealed, L 1997 c 103 s 2]

Statutory Authority: *MSs 16A.1285; 146.13; 147.01; 147A.04; 147A.05; 147A.21; 147B.02; 214.06*

History: *15 SR 1640; 20 SR 2376; L 1997 c 103 s 2*

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5600.0610 INITIAL LICENSE PROCEDURES.

Subpart 1. **Applicability to persons initially licensed.** Subparts 2 and 3 contain licensing procedures for persons who are initially licensed by the board after January 29, 1991.

Subp. 2. **Initial license.** An individual who is initially licensed by the board after January 29, 1991, shall pay the physician application and annual license fees listed in part 5600.2500, items A and B.

Effective January 1, 1991, the initial license period begins with the date the person becomes licensed and ends the last day of the licensee's month of birth. However, if the last day of the individual's month of birth is less than six months after the individual becomes licensed, then the initial license period ends on the last day of the individual's month of birth in the next year after the initial license period began. After the initial license period, subsequent renewal periods shall be annual periods that begin on the last day of the month of the licensee's birth.

Subp. 3. **Conversion period and fees.** Individuals initially licensed by the board after January 29, 1991, will have a conversion period according to items A to F.

A. An individual will be assigned a conversion period of at least six months and no more than 17 months, ending on the last day of the individual's month of birth.

B. The full physician application fee and physician annual license fee found in part 5600.2500, items A and B, will be charged to the individual at the start of the conversion period.

C. For an individual whose conversion period was 11 months or less, the first annual license fee charged after the conversion period shall be adjusted to credit the excess fee payment made during the conversion period. The credit is calculated based on the difference between the license fee paid during the conversion period and the prorated license fee cost assessed based on the number of months of the individual's conversion period, up to 11 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount.

D. For an individual whose conversion period was 12 months, the first annual license fee charged after the conversion period shall not be adjusted. The individual will be charged the full annual license fee listed in part 5600.2500, item B.

E. For an individual whose conversion period was between 13 and 17 full calendar months, the first annual license fee charged after the conversion period shall be adjusted to add the payment for the number of months in excess of 12 months in the licensee's conversion period that were not paid for initially. The added payment is calculated based on the difference between the fee paid at the start of the conversion period and the prorated license fee cost assessed using the number of months of the individual's conversion period, up to 17 months, at the rate of 1/12 of the annual fee per month rounded upward to the nearest dollar amount. The difference calculated is added to the full fee charged.

F. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the annual license fee in part 5600.2500, item B.

Statutory Authority: *MSs 16A.1285; 146.13; 147.01; 147A.04; 147A.05; 147A.21; 147B.02; 214.06*

History: *15 SR 1640; 20 SR 2376*

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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; and

(2) an original or certified copy of a birth record.

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; 147.02; 214.06*

History: *8 SR 2573; 24 SR 713; L 2001 1Sp9 art 15 s 32*

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5600.0800 Subpart 1. [Repealed, 24 SR 713]

Subp. 2. [Repealed, 24 SR 713]

Subp. 3. [Repealed, 24 SR 713]

Subp. 4. [Repealed, 24 SR 713]

Subp. 5. [Repealed, 24 SR 713]

Subp. 6. [Repealed by amendment, 8 SR 2573; 24 SR 713]

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5600.0900 Subpart 1. [Repealed, 24 SR 713]

Subp. 2. [Repealed, 24 SR 713]

Subp. 3. [Repealed, 24 SR 713]

Subp. 4. [Repealed, 24 SR 713]

Subp. 5. [Repealed by amendment, 8 SR 2573; 24 SR 713]

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5600.1000 Subpart 1. [Repealed, 24 SR 713]

Subp. 2. [Repealed, 24 SR 713]

Subp. 3. [Repealed, 24 SR 713]

Subp. 4. [Repealed, 24 SR 713]

Subp. 5. [Repealed, 24 SR 713]

Subp. 6. [Repealed by amendment, 8 SR 2573; 24 SR 713]

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