

1 Department of Health

2

3 Adopted Permanent Rules Relating to Physician Assistants

4 Registration

5

6 Rules as Adopted

7 5600.2600 DEFINITIONS.

8 Subpart 1. **Scope.** For the purposes of parts 5600.2600 to
9 5600.2670, the following terms have the meanings given them.

10 [For text of subp 2, see M.R.]

11 Subp. 2a. **Administer.** "Administer" means to deliver by a
12 physician assistant authorized to prescribe legend drugs, a
13 single dose of a legend drug, excluding controlled substances,
14 to a patient by injection, inhalation, ingestion, or by any
15 other immediate means.

16 Subp. 3. **Agreement.** "Agreement" means a document signed
17 by the physician and the physician assistant which includes
18 contents specified in part 5600.2635, subpart 3. If there is a
19 delegation of prescribing and administering of legend drugs and
20 medical devices, the agreement includes the delegation form in
21 part 5600.2670, subpart 6.

22 Subp. 4. **Alternate supervising physician.** "Alternate
23 supervising physician" means a Minnesota licensed physician
24 listed in the physician-physician assistant agreement who is
25 responsible for supervising the physician assistant when the
26 supervising physician is unavailable. The alternate supervising
27 physician shall accept full medical responsibility for the
28 performance, practice, and activities of the physician assistant
29 while under the supervision of the alternate supervising
30 physician.

31 Subp. 5. **Board.** "Board" means the Minnesota Board of
32 Medical Practice.

33 [For text of subps 6 and 7, see M.R.]

34 Subp. 7a. **Delegation form.** "Delegation form" refers to
35 the form in part 5600.2670, subpart 6, used to indicate the

1 categories of drugs for which the authority to prescribe and
2 administer has been delegated to the physician assistant and
3 signed by the supervising physician, any alternate supervising
4 physicians, and the physician assistant. This form is part of
5 the agreement as defined in subpart 3.

6 [For text of subp 8, see M.R.]

7 Subp. 8a. **Drug.** "Drug" has the meaning given it in
8 Minnesota Statutes, section 151.01, subdivision 5, excluding
9 controlled substances as defined in Minnesota Statutes, section
10 152.01, subdivision 4.

11 Subp. 8b. **Drug category.** "Drug category" means one of the
12 categories listed on the form in part 5600.2670, subpart 6.

13 [For text of subp 9, see M.R.]

14 Subp. 9a. **Internal protocol.** "Internal protocol" means a
15 document written by the supervising physician and physician
16 assistant which specifies the policies and procedures which will
17 apply to the physician assistant's prescribing and administering
18 of legend drugs and medical devices and lists the specific drugs
19 and medical devices, with any exceptions or conditions, that the
20 physician assistant is authorized to prescribe and administer.

21 Subp. 9b. **Legend drug.** "Legend drug" has the meaning
22 given it in Minnesota Statutes, section 151.01, subdivision 17,
23 excluding controlled substances as defined in Minnesota
24 Statutes, section 152.01, subdivision 4.

25 Subp. 9c. **Medical device.** "Medical device" means durable
26 medical equipment and assistive or rehabilitative appliances,
27 objects, or products that are required to implement the overall
28 plan of care for the patient and that are restricted by federal
29 law to use upon prescription by a licensed practitioner.

30 [For text of subp 10, see M.R.]

31 Subp. 11. **Physician assistant; registered physician**
32 **assistant.** "Physician assistant" or "registered physician
33 assistant" means a person registered pursuant to parts 5600.2600
34 to 5600.2670 who is qualified by academic or practical training
35 or both to provide patient services as listed in part 5600.2615
36 under the supervision of a supervising physician.

1 Subp. 11a. **Prescribe.** "Prescribe" means to direct, order,
2 or designate by means of a prescription the preparation, use of,
3 or manner of using a drug or medical device.

4 Subp. 11b. **Prescription.** "Prescription" means a signed
5 written order, or an oral order reduced to writing, given by a
6 physician assistant authorized to prescribe drugs for patients
7 in the course of the physician assistant's practice, issued for
8 an individual patient and containing the information required by
9 part 5600.2670, subpart 4, item C.

10 Subp. 12. **Registration.** "Registration" is the process by
11 which the board determines that an applicant has been found to
12 meet the standards and qualifications specified in parts
13 5600.2600 to 5600.2670.

14 Subp. 13. **Supervising physician.** "Supervising physician"
15 means a Minnesota licensed physician who accepts full medical
16 responsibility for the performance, practice, and activities of
17 a physician assistant under an agreement approved by the board
18 and pursuant to part 5600.2615. Supervising physician includes
19 "alternate supervising physician" for the purposes of parts
20 5600.2600 to 5600.2670.

21 5600.2605 PURPOSE.

22 The purpose of parts 5600.2600 to 5600.2670 is to establish
23 the administrative structure, the procedures, and the
24 requirements for the registration of people qualified to be
25 physician assistants and the requirements which must be met
26 before a physician assistant may prescribe and administer legend
27 drugs and medical devices.

28 5600.2610 RESTRICTIONS ON USE OF TITLE OF REGISTERED PHYSICIAN
29 ASSISTANT.

30 Subpart 1. **Physician assistant identification.** Only a
31 registered physician assistant in active status may use the
32 title "physician assistant" or "registered physician assistant"
33 without restriction. A registered physician assistant in active
34 status shall be identified at the practice site by using a name
35 tag or name plate or some other identifying device bearing the

1 title "registered physician assistant."

2 [For text of subp 2, see M.R.]

3 5600.2615 SCOPE OF PHYSICIAN ASSISTANT PRACTICE.

4 [For text of subpart 1, see M.R.]

5 Subp. 2. Descriptive list of allowed services. Patient
6 services must be limited to:

7 [For text of items A to E, see M.R.]

8 F. providing instructions and guidance regarding
9 medical care matters to patients;

10 G. assisting the supervising physician in the
11 delivery of services to patients requiring medical care in the
12 home and in health care institutions, including recording
13 patient progress notes, issuing diagnostic orders which must be
14 countersigned by the supervising physician within 24 hours, and
15 transcribing or executing specific orders at the direction of
16 the supervising physician; and

17 H. prescribing and administering legend drugs other
18 than controlled substances as defined in Minnesota Statutes,
19 section 152.01, subdivision 4, and medical devices if this
20 function has been delegated to the physician assistant by the
21 supervising physician and approved by the board, pursuant to and
22 subject to the limitations of Minnesota Statutes, section 147.34
23 and chapter 151, and parts 5600.2600 to 5600.2670.

24 5600.2635 APPLICATION PROCESS FOR APPROVAL OF AGREEMENT BETWEEN
25 PHYSICIAN AND PHYSICIAN ASSISTANT.

26 [For text of subps 1 and 2, see M.R.]

27 Subp. 3. Contents of agreement. The agreement must
28 include at least the following:

29 [For text of items A to C, see M.R.]

30 D. a statement by the supervising physician regarding
31 the delegation or nondelegation of the functions of prescribing
32 and administering legend drugs and medical devices to the
33 physician assistant, and, if delegation is specified, the
34 completed delegation form as required by part 5600.2670;

35 E. a statement that the supervising physician and

1 alternate supervising physician assume full medical
2 responsibility for all patient services provided by the
3 physician assistant; and

4 F. any other information which will assist the board
5 in determining whether the physician assistant will be
6 adequately supervised by the supervising physician.

7 [For text of subp 4, see M.R.]

8 Subp. 5. Procedure to obtain delegation of prescribing and
9 administering functions. To obtain delegation of prescribing
10 and administering functions, a physician assistant must:

11 A. submit an agreement indicating delegation of
12 prescribing and administering functions;

13 B. submit a copy of the physician assistant's
14 certification card from the National Commission on Certification
15 of Physician Assistants showing current certification;

16 C. submit the completed and signed delegation form in
17 part 5600.2670, subpart 6; and

18 D. submit the fees required by part 5600.2655.

19 The board shall review each application for approval of
20 agreements containing delegation of prescribing in a timely
21 manner and notify the applicant in writing of action taken on
22 the application. If the agreement is not approved, the board
23 must indicate the grounds for its action in the notice to the
24 applicant.

25 5600.2645 APPLICATION PROCESS FOR REREGISTRATION.

26 A physician assistant's registration expires each year on
27 July 1. Each physician assistant must reregister on or before
28 July 1 of each year by submitting a completed application for
29 reregistration on a form provided by the board together with the
30 annual reregistration fee. Physician assistants with authority
31 to prescribe and administer legend drugs and medical devices
32 must also provide a copy of a current certification card issued
33 by the National Commission on Certification of Physician
34 Assistants. The information supplied on the application for
35 reregistration must be sufficient for the board to determine

1 whether the physician assistant continues to meet the
 2 requirements for registration in part 5600.2625 or 5600.2640. In
 3 addition, the applicant must meet the continuing education
 4 requirements of part 5600.2650. The board may request a
 5 physician assistant to submit additional information to clarify
 6 information presented in the application for reregistration. An
 7 application submitted after the reregistration deadline date
 8 must be accompanied by a late fee.

9 5600.2655 APPLICATION FEES.

10 [For text of subps 1 to 3, see M.R.]

11 Subp. 4. Fee for approval of agreements. The fee for
 12 approval of an agreement between a physician and physician
 13 assistant by the board shall be:

14 A. \$30 for agreements not containing delegation of
 15 prescribing and administering functions; or

16 B. \$86 for agreements containing delegation of
 17 prescribing and administering functions. The delegation form
 18 must accompany the agreement.

19 [For text of subps 5 and 6, see M.R.]

20 5600.2660 PROCESS AND GROUNDS FOR DISCIPLINARY ACTION.

21 [For text of subpart 1, see M.R.]

22 Subp. 2. Disciplinary options of board. The board shall
 23 refuse to grant or renew a registration, or shall suspend or
 24 revoke a registration, or use any reasonable lesser remedy
 25 against a physician assistant if the assistant:

26 [For text of items A to D, see M.R.]

27 E. violates parts 5600.2600 to 5600.2670;

28 F. is unable to perform patient services with
 29 reasonable skill and safety to patients due to physical or
 30 mental illness or use of alcohol, drugs, or other substance;

31 G. violates state or federal laws regarding
 32 prescribing or administering legend drugs or medical devices;

33 H. prescribes or administers legend drugs or medical
 34 devices in a manner other than under the procedures in parts
 35 5600.2600 to 5600.2670;

1 I. prescribes or administers legend drugs or medical
2 devices in a manner which is inconsistent with the training and
3 experience of the physician assistant or in a manner which falls
4 below the community standard of care; or

5 J. prescribes or administers legend drugs or medical
6 devices in violation of the agreement.

7 Subp. 3. **Disciplinary actions.** If the board finds that a
8 physician assistant should be disciplined pursuant to subpart 2,
9 the board may take any one or more of the following actions:

10 [For text of items A to D, see M.R.]

11 E. condition, limit, or restrict a registration;

12 F. place the physician assistant on probation, which
13 probation may be vacated upon compliance with such reasonable
14 terms as the board may impose; or

15 G. refuse to approve delegation of prescribing and
16 administering authority, revoke, suspend, restrict, or condition
17 prescribing and administering authority.

18 Subp. 4. **Consequences of disciplinary action.** Upon the
19 revocation or suspension, the registrant shall return to the
20 board the registrant's certificate and current renewal document.

21 [For text of subp 5, see M.R.]

22 5600.2665 PHYSICIAN ASSISTANT ADVISORY COUNCIL.

23 Subpart 1. **Membership.** Subject to approval by the board,
24 the commissioner shall appoint seven persons to a physician
25 assistant advisory council. The seven persons must include:

26 A. two public members, as defined in Minnesota
27 Statutes, section 214.02;

28 B. three physician assistants registered under parts
29 5600.2600 to 5600.2670; and

30 C. two licensed physicians one of whom must be a
31 representative of the board.

32 [For text of subp 2, see M.R.]

33 Subp. 3. **Duties.** The council shall:

34 A. advise the board regarding physician assistant
35 registration standards;

- 1 B. advise the board on enforcement of parts 5600.2600
2 to 5600.2670;
- 3 C. provide for distribution of information regarding
4 physician assistant registration standards;
- 5 D. review applications and recommend applicants for
6 registration or reregistration;
- 7 E. receive and process complaints about applicants
8 and registrants according to Minnesota Statutes, sections 214.10
9 and 214.13, subdivisions 6 and 7;
- 10 F. perform disciplinary investigations;
- 11 G. perform other duties authorized for the council by
12 Minnesota Statutes, chapter 214, as directed by the board; and
- 13 H. review delegation of prescribing and administering
14 authority in agreements, request a copy of the internal protocol
15 or other additional information for clarification of delegation
16 terms if necessary, and recommend approval, disapproval, or
17 modification of the agreement based upon the standards in
18 Minnesota Statutes, section 147.34 and parts 5600.2600 to
19 5600.2670.

20 5600.2670 DELEGATION OF AUTHORITY TO PRESCRIBE AND ADMINISTER
21 DRUGS AND MEDICAL DEVICES.

22 Subpart 1. Delegation. A physician assistant may
23 prescribe and administer legend drugs and medical devices under
24 the following conditions:

- 25 A. the physician assistant is currently certified by
26 the National Commission on Certification of Physician Assistants
27 as evidenced by a copy of the certification card with expiration
28 date;
- 29 B. the physician assistant is registered with the
30 board;
- 31 C. the physician assistant's supervising physician
32 and the physician assistant have completed and signed the
33 delegation form in subpart 6;
- 34 D. the agreement has been approved by the board based
35 upon the standards in Minnesota Statutes, section 147.34 and

1 parts 5600.2600 to 5600.2670; and

2 E. the physician assistant's prescription writing
3 privileges are not currently restricted by the board.

4 Subp. 2. Documentation. The physician assistant shall
5 enter each prescription on the patient's chart.

6 The supervising physician shall retrospectively review the
7 physician assistant's prescribing and administering practices on
8 a daily basis. Review may either be in person or by
9 telecommunication.

10 A. If the supervising physician performs this review
11 in person, the supervising physician shall document the
12 retrospective review by signature on the patient's chart or
13 other permanent practice record.

14 B. For facilities staffed by the physician assistant
15 that are separate from the usual practice site of the
16 supervising physician, the physician assistant or the
17 supervising physician shall document the retrospective review by
18 signature on the patient's chart or other permanent practice
19 record. At each site visit, the supervising physician shall
20 document by signature and date on the patient's chart or other
21 permanent practice record that the physician assistant's
22 prescribing and administering practices have been reviewed.

23 Subp. 3. Termination and reinstatement of prescribing
24 authority.

25 A. The authority of a physician assistant to
26 prescribe and administer legend drugs and medical devices shall
27 end immediately when:

28 (1) the agreement is terminated;

29 (2) the authority to prescribe and administer is
30 terminated or withdrawn by the supervising physician; or

31 (3) the physician assistant reverts to inactive
32 status, loses National Commission on Certification of Physician
33 Assistants certification, or loses or terminates registration
34 status.

35 B. The physician assistant must notify the board in
36 writing within ten days of the occurrence of any of the

1 circumstances listed in item A.

2 C. Physician assistants whose authority to prescribe
3 and administer has been terminated shall reapply for approval of
4 the agreement under part 5600.2635 and meet the requirements of
5 subpart 1, and any other requirements established by the board
6 prior to reinstatement of the prescribing and administering
7 authority.

8 Subp. 4. Other requirements and restrictions.

9 A. The supervising physician and the physician
10 assistant must complete, sign, and date an internal protocol
11 which lists each drug or medical device the physician assistant
12 may prescribe and administer. The supervising physician and
13 physician assistant shall submit the internal protocol to the
14 board upon request. The supervising physician may amend the
15 internal protocol as necessary, within the limits of the
16 completed delegation form in subpart 6. The supervising
17 physician and physician assistant must sign and date any
18 amendments to the internal protocol. Any amendments resulting
19 in a change to the delegation form in subpart 6 must be
20 submitted to the board according to part 5600.2635, subpart 4,
21 along with the fee required in part 5600.2655.

22 B. The supervising physician and physician assistant
23 shall review delegation of prescribing and administering
24 authority on an annual basis at the time of reregistration. The
25 internal protocol must be signed and dated by the supervising
26 physician and physician assistant after review. Any amendments
27 to the internal protocol resulting in changes to the delegation
28 form in subpart 6 must be submitted to the board according to
29 part 5600.2635, subpart 4, along with the fee required in part
30 5600.2655.

31 C. Each prescription initiated by a physician
32 assistant shall indicate the following:

- 33 (1) the date of issue;
34 (2) the name and address of the patient;
35 (3) the name and quantity of the drug prescribed;
36 (4) directions for use; and

1 (5) the name, address, and telephone number of
2 the prescribing physician assistant and of the physician serving
3 as supervisor.

4 D. In prescribing and administering legend drugs and
5 medical devices, a physician assistant must conform with the
6 agreement, Minnesota Statutes, section 147.34 and chapter 151,
7 and parts 5600.2600 to 5600.2670.

8 Subp. 5. Notification of pharmacies.

9 A. The board shall, within six months of adoption of
10 parts 5600.2600 to 5600.2670 and annually thereafter, provide to
11 the Board of Pharmacy and to registered pharmacies within the
12 state a list of those physician assistants who are authorized to
13 prescribe legend drugs and medical devices.

14 B. The board shall provide to the Board of Pharmacy a
15 list of physician assistants authorized to prescribe legend
16 drugs and medical devices every two months if additional
17 physician assistants are authorized to prescribe or if physician
18 assistants have authorization to prescribe withdrawn.

19 C. The list must include the name, address, telephone
20 number, and Minnesota registration number of the physician
21 assistant, and the name, address, telephone number, and
22 Minnesota license number of the supervising physician.

23 D. The board shall provide the form in subpart 6 to
24 pharmacies upon request.

25 Subp. 6. Delegation form for physician assistant
26 prescribing. The delegation form for physician assistant
27 prescribing must contain the following:

28 DELEGATION FORM FOR PHYSICIAN ASSISTANT PRESCRIBING

29 The below-named physician assistant may prescribe and administer
30 drugs and medical devices as indicated on this form. This form
31 is hereby made a part of the agreement as required by Minn.
32 Stat. section 147.34 and Minn. Rules part 5600.2635, subpart 3,
33 item D.

34 Physician Assistant _____
35 Minn. Registration # _____
36 _____
37 Supervising Physician _____
38 Minn. License # _____

1
2 The physician assistant may
3 prescribe from those
4 categories checked in the
5 following list:

Restrictions applicable
to each category:

6			
7	A. Drugs*		
8	01 _____ Anesthetics	01 _____	
9	02 _____ Antiinfectives	02 _____	
10	03 _____ Antineoplastics/Immuno-	03 _____	
11	_____ suppressants		
12	04 _____ Cardiovascular	04 _____	
13	_____ Medications		
14	05 _____ Autonomic and Central	05 _____	
15	_____ Nervous System Drugs		
16	06 _____ Dermatological Medications	06 _____	
17	07 _____ Diagnostic Agents	07 _____	
18	08 _____ Ear-Nose-Throat Medications	08 _____	
19	09 _____ Endocrine Medications	09 _____	
20	10 _____ Gastrointestinal	10 _____	
21	_____ Medications		
22	11 _____ Immunologicals and	11 _____	
23	_____ Vaccines		
24	12 _____ Musculoskeletal Medications	12 _____	
25	13 _____ Nutritional Products, Blood	13 _____	
26	_____ Modifiers and Electrolytes		
27	14 _____ Obstetrical and Gynecolo-	14 _____	
28	_____ gical Medications		
29	15 _____ Ophthalmic Medications	15 _____	
30	16 _____ Respiratory Medications	16 _____	
31	17 _____ Urological Medications	17 _____	
32	B. _____ Medical Devices	B. _____	

33
34 Physician assistants may not prescribe controlled substances
35 regulated under Minn. Stat. Chapter 152. Other specific drugs
36 or medical devices which the physician assistant may not
37 prescribe include:

38 _____
39 _____

40		
41	Supervising Physician	Physician Assistant
42	(sign)	(sign)
43		
44	_____	_____
45	(type name/date)	(type name/date)
46		
47	_____	_____
48	address	address
49		
50	telephone # _____	telephone # _____
51		
52	1. _____	7. _____
53	Alternate Supervising	Alternate Supervising
54	Physician	Physician
55	_____	_____
56	(type name/date)	(type name/date)
57		
58	2. _____	8. _____
59	Alternate Supervising	Alternate Supervising
60	Physician	Physician
61	_____	_____
62	(type name/date)	(type name/date)
63		
64	3. _____	9. _____
65	Alternate Supervising	Alternate Supervising
66	Physician	Physician
67	_____	_____
68	(type name/date)	(type name/date)

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4. Alternate Supervising
Physician
(type name/date)

5. Alternate Supervising
Physician
(type name/date)

6. Alternate Supervising
Physician
(type name/date)

10. Alternate Supervising
Physician
(type name/date)

11. Alternate Supervising
Physician
(type name/date)

12. Alternate Supervising
Physician
(type name/date)

* The listed drug categories are based upon the chapter heading used in the Physicians Health Plan Drug Formulary:

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