

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 435

02/11/2013 Authored by Schoen, Abeler, Zerwas, Fritz and Murphy, E.,
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

A bill for an act

1.1 relating to health; improving access to health care delivered by advanced practice
1.2 registered nurses; providing penalties; amending Minnesota Statutes 2012,
1.3 sections 148.171, subdivisions 3, 5, 9, 10, 11, 13, 16, 21, by adding subdivisions;
1.4 148.181, subdivision 1; 148.191, subdivision 2; 148.211, subdivision 2, by
1.5 adding subdivisions; 148.231, subdivisions 1, 4, 5; 148.233, subdivision 2;
1.6 148.234; 148.235, by adding subdivisions; 148.251, subdivision 1; 148.261,
1.7 subdivision 1; 148.262, subdivisions 1, 2, 4; 148.271; 148.281, subdivision 1,
1.8 by adding a subdivision; repealing Minnesota Statutes 2012, sections 148.171,
1.9 subdivision 6; 148.235, subdivisions 1, 2, 2a, 4, 4a, 4b, 6, 7; 148.284.

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

1.12 Section 1. Minnesota Statutes 2012, section 148.171, subdivision 3, is amended to read:

1.13 Subd. 3. **Advanced practice registered nurse.** "Advanced practice registered
1.14 nurse," abbreviated APRN, means an individual licensed as a an advanced practice
1.15 registered nurse by the board and certified by a national nurse certification organization
1.16 acceptable to the board to practice as a clinical nurse specialist, nurse anesthetist,
1.17 nurse-midwife, or nurse practitioner.

1.18 Sec. 2. Minnesota Statutes 2012, section 148.171, subdivision 5, is amended to read:

1.19 Subd. 5. **Clinical nurse specialist practice.** "Clinical nurse specialist practice"
1.20 means ~~the provision of patient care in a particular specialty or subspecialty of advanced~~
1.21 ~~practice registered nursing within the context of collaborative management, and includes:~~
1.22 ~~(1) diagnosing illness and disease; (2) providing nonpharmacologic treatment, including~~
1.23 ~~psychotherapy; (3) promoting wellness; and (4) preventing illness and disease. The~~
1.24 ~~certified clinical nurse specialist is certified for advanced practice registered nursing in a~~
1.25 ~~specific field of clinical nurse specialist practice.:~~

1.26 (1) the diagnosis and treatment of health and illness states;

- 2.1 (2) disease management;
 2.2 (3) prescribing pharmacologic and nonpharmacologic therapies;
 2.3 (4) ordering, performing, supervising, and interpreting diagnostic studies;
 2.4 (5) prevention of illness and risk behaviors;
 2.5 (6) nursing care for individuals, families, and communities;
 2.6 (7) when necessary, consulting with other health care providers or making
 2.7 appropriate referrals for patients and families; and
 2.8 (8) integration of care across the continuum to improve patient outcomes.

2.9 Sec. 3. Minnesota Statutes 2012, section 148.171, subdivision 9, is amended to read:

2.10 Subd. 9. **Nurse.** "Nurse" means advanced practice registered nurse, registered
 2.11 nurse, advanced practice registered nurse, and licensed practical nurse unless the context
 2.12 clearly refers to only one category.

2.13 Sec. 4. Minnesota Statutes 2012, section 148.171, subdivision 10, is amended to read:

2.14 Subd. 10. **Nurse-midwife practice.** "Nurse-midwife practice" means ~~the~~
 2.15 ~~management of women's primary health care, focusing on pregnancy, childbirth, the~~
 2.16 ~~postpartum period, care of the newborn, and the family planning and gynecological needs~~
 2.17 ~~of women and includes diagnosing and providing nonpharmacologic treatment within a~~
 2.18 ~~system that provides for consultation, collaborative management, and referral as indicated~~
 2.19 ~~by the health status of patients.:~~

2.20 (1) the management, diagnosis, and treatment of women's primary health care
 2.21 including pregnancy, childbirth, postpartum period, care of the newborn, family planning,
 2.22 partner care management relating to sexual health, and gynecological care of women
 2.23 across the life span;

2.24 (2) ordering, performing, supervising, and interpreting diagnostic studies;

2.25 (3) prescribing pharmacologic and nonpharmacologic therapies; and

2.26 (4) when necessary, consulting with other health care providers or making
 2.27 appropriate referrals for patients and families.

2.28 Sec. 5. Minnesota Statutes 2012, section 148.171, subdivision 11, is amended to read:

2.29 Subd. 11. **Nurse practitioner practice.** "Nurse practitioner practice" means;
 2.30 ~~within the context of collaborative management: (1) diagnosing, directly managing, and~~
 2.31 ~~preventing acute and chronic illness and disease; and (2) promoting wellness, including~~
 2.32 ~~providing nonpharmacologic treatment. The certified nurse practitioner is certified for~~

3.1 ~~advanced registered nurse practice in a specific field of nurse practitioner practice. the~~
 3.2 ~~provision of care including:~~

- 3.3 (1) health promotion, disease prevention, health education, and counseling;
 3.4 (2) providing health assessment and screening activities;
 3.5 (3) diagnosing, treating, and facilitating patients' management of their acute and
 3.6 chronic illnesses and diseases;
 3.7 (4) ordering, performing, supervising, and interpreting diagnostic studies;
 3.8 (5) prescribing pharmacologic and nonpharmacologic therapies; and
 3.9 (6) when necessary, consulting with other health care providers or making
 3.10 appropriate referrals for patients and families.

3.11 Sec. 6. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision
 3.12 to read:

3.13 Subd. 12a. **Population focus.** "Population focus" means the categories of patients
 3.14 for which the advanced practice registered nurse has the educational preparation to
 3.15 provide care and services. The categories of population foci are:

- 3.16 (1) family and individual across the life-span;
 3.17 (2) adult-gerontology;
 3.18 (3) neonatal;
 3.19 (4) pediatrics;
 3.20 (5) women's and gender-related health; and
 3.21 (6) psychiatric and mental health.

3.22 Sec. 7. Minnesota Statutes 2012, section 148.171, subdivision 13, is amended to read:

3.23 Subd. 13. **Practice of advanced practice registered nursing.** (a) The "practice of
 3.24 advanced practice registered nursing" means the performance of ~~clinical nurse specialist~~
 3.25 ~~practice, nurse-midwife practice, nurse practitioner practice, or registered nurse anesthetist~~
 3.26 ~~practice as defined in subdivisions 5, 10, 11, and 21~~ an expanded scope of nursing in a role
 3.27 and for at least one population focus. The scope of advanced practice registered nursing
 3.28 includes, but is not limited to, performing acts of advanced assessment, diagnosing,
 3.29 prescribing, and ordering. The practice includes functioning as a primary care provider,
 3.30 direct care provider, case manager, consultant, educator, and researcher. ~~The practice of~~
 3.31 ~~advanced practice registered nursing also includes accepting referrals from, consulting~~
 3.32 ~~with, cooperating with, or referring to all other types of health care providers, including~~
 3.33 ~~but not limited to physicians, chiropractors, podiatrists, and dentists, provided that the~~
 3.34 ~~advanced practice registered nurse and the other provider are practicing within their scopes~~

4.1 ~~of practice as defined in state law. The advanced practice registered nurse must practice~~
 4.2 ~~within a health care system that provides for consultation, collaborative management, and~~
 4.3 ~~referral as indicated by the health status of the patient. An advanced practice registered~~
 4.4 ~~nursing practice requires the advanced practice registered nurse to be accountable: (1) to~~
 4.5 ~~patients for the quality of advanced nursing care rendered; (2) for recognizing limits of~~
 4.6 ~~knowledge and experience; and (3) for planning for the management of situations beyond~~
 4.7 ~~the advanced practice registered nurse's expertise. (b) The practice of advanced practice~~
 4.8 ~~registered nursing includes accepting referrals from, consulting with, cooperating with,~~
 4.9 ~~or referring to other health care providers as appropriate.~~

4.10 Sec. 8. Minnesota Statutes 2012, section 148.171, subdivision 16, is amended to read:

4.11 Subd. 16. **Prescribing.** "Prescribing" means the act of generating a prescription for
 4.12 the preparation of, use of, or manner of using a drug or therapeutic device in accordance
 4.13 with the provisions of section 148.235. Prescribing does not include recommending the
 4.14 use of a drug or therapeutic device which is not required by the federal Food and Drug
 4.15 Administration to meet the labeling requirements for prescription drugs and devices.
 4.16 Prescribing also does not include recommending or administering a drug or therapeutic
 4.17 device perioperatively for anesthesia care and related services by a certified registered
 4.18 nurse anesthetist.

4.19 Sec. 9. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision
 4.20 to read:

4.21 Subd. 17a. **Primary care provider.** "Primary care provider" means a licensed
 4.22 health care provider who acts as the first point of care for comprehensive health
 4.23 maintenance and promotion, preventative care, and undiagnosed health concerns and
 4.24 who provides continuing care of varied health conditions not limited by cause, organ
 4.25 systems, or diagnosis.

4.26 Sec. 10. Minnesota Statutes 2012, section 148.171, subdivision 21, is amended to read:

4.27 Subd. 21. **Registered nurse anesthetist practice.** "Registered nurse anesthetist
 4.28 practice" means the provision of anesthesia care and related services ~~within the context~~
 4.29 ~~of collaborative management,~~ including:

4.30 (1) selecting, obtaining, and administering drugs and therapeutic devices to facilitate
 4.31 diagnostic, therapeutic, and surgical procedures ~~upon request, assignment, or referral by a~~
 4.32 ~~patient's physician, dentist, or podiatrist;~~

4.33 (2) ordering, performing, supervising, and interpreting diagnostic studies;

5.1 (3) prescribing pharmacologic and nonpharmacologic therapies; and
5.2 (4) when necessary, consulting with other health care providers or making
5.3 appropriate referrals for patients and families.

5.4 Sec. 11. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision
5.5 to read:

5.6 Subd. 23. **Roles of advanced practice registered nurses.** "Role" means one of four
5.7 recognized advanced practice registered nurse roles: certified registered nurse anesthetist
5.8 (CRNA); certified nurse-midwife (CNM); certified clinical nurse specialist (CNS); or
5.9 certified nurse practitioner (CNP).

5.10 Sec. 12. Minnesota Statutes 2012, section 148.181, subdivision 1, is amended to read:

5.11 Subdivision 1. **Membership.** The Board of Nursing consists of 16 members
5.12 appointed by the governor, each of whom must be a resident of this state. Eight members
5.13 must be registered nurses, each of whom must have graduated from an approved school of
5.14 nursing, must be licensed and currently registered as a registered nurse in this state, and
5.15 must have had at least five years experience in nursing practice, nursing administration, or
5.16 nursing education immediately preceding appointment. One of the eight must have had
5.17 at least two years executive or teaching experience in a baccalaureate degree nursing
5.18 program approved by the board under section 148.251 during the five years immediately
5.19 preceding appointment, one of the eight must have had at least two years executive or
5.20 teaching experience in an associate degree nursing program approved by the board under
5.21 section 148.251 during the five years immediately preceding appointment, one of the eight
5.22 must be practicing professional nursing in a nursing home at the time of appointment,
5.23 one of the eight must have had at least two years executive or teaching experience in
5.24 a practical nursing program approved by the board under section 148.251 during the
5.25 five years immediately preceding appointment, and one of the eight must be licensed
5.26 and have national certification and recertification as a registered nurse anesthetist, nurse
5.27 practitioner, nurse midwife, or clinical nurse specialist. Four of the eight must have had at
5.28 least five years of experience in nursing practice or nursing administration immediately
5.29 preceding appointment. Four members must be licensed practical nurses, each of whom
5.30 must have graduated from an approved school of nursing, must be licensed and currently
5.31 registered as a licensed practical nurse in this state, and must have had at least five years
5.32 experience in nursing practice immediately preceding appointment. The remaining four
5.33 members must be public members as defined by section 214.02.

6.1 A member may be reappointed but may not serve more than two full terms
6.2 consecutively. The governor shall attempt to make appointments to the board that reflect
6.3 the geography of the state. The board members who are nurses should as a whole reflect
6.4 the broad mix of practice types and sites of nurses practicing in Minnesota.

6.5 Membership terms, compensation of members, removal of members, the filling of
6.6 membership vacancies, and fiscal year and reporting requirements are as provided in
6.7 sections 214.07 to 214.09. Any nurse on the board who during incumbency permanently
6.8 ceases to be actively engaged in the practice of nursing or otherwise becomes disqualified
6.9 for board membership is automatically removed, and the governor shall fill the vacancy.
6.10 The provision of staff, administrative services, and office space; the review and processing
6.11 of complaints; the setting of board fees; and other provisions relating to board operations
6.12 are as provided in sections 148.171 to 148.285 and chapter 214. Each member of the
6.13 board shall file with the secretary of state the constitutional oath of office before beginning
6.14 the term of office.

6.15 Sec. 13. Minnesota Statutes 2012, section 148.191, subdivision 2, is amended to read:

6.16 Subd. 2. **Powers.** (a) The board is authorized to adopt and, from time to time, revise
6.17 rules not inconsistent with the law, as may be necessary to enable it to carry into effect the
6.18 provisions of sections 148.171 to 148.285. The board shall prescribe by rule curricula and
6.19 standards for schools and courses preparing persons for licensure under sections 148.171
6.20 to 148.285. It shall conduct or provide for surveys of such schools and courses at such
6.21 times as it may deem necessary. It shall approve such schools and courses as meet the
6.22 requirements of sections 148.171 to 148.285 and board rules. It shall examine, license,
6.23 and renew the license of duly qualified applicants. It shall hold examinations at least once
6.24 in each year at such time and place as it may determine. It shall by rule adopt, evaluate,
6.25 and periodically revise, as necessary, requirements for licensure and for registration and
6.26 renewal of registration as defined in section 148.231. It shall maintain a record of all
6.27 persons licensed by the board to practice advanced practice, professional, or practical
6.28 nursing ~~and all registered nurses who hold Minnesota licensure and registration and are~~
6.29 ~~certified as advanced practice registered nurses.~~ It shall cause the prosecution of all persons
6.30 violating sections 148.171 to 148.285 and have power to incur such necessary expense
6.31 therefor. It shall register public health nurses who meet educational and other requirements
6.32 established by the board by rule, including payment of a fee. It shall have power to issue
6.33 subpoenas, and to compel the attendance of witnesses and the production of all necessary
6.34 documents and other evidentiary material. Any board member may administer oaths to
6.35 witnesses, or take their affirmation. It shall keep a record of all its proceedings.

7.1 (b) The board shall have access to hospital, nursing home, and other medical records
 7.2 of a patient cared for by a nurse under review. If the board does not have a written consent
 7.3 from a patient permitting access to the patient's records, the nurse or facility shall delete
 7.4 any data in the record that identifies the patient before providing it to the board. The board
 7.5 shall have access to such other records as reasonably requested by the board to assist the
 7.6 board in its investigation. Nothing herein may be construed to allow access to any records
 7.7 protected by section 145.64. The board shall maintain any records obtained pursuant to
 7.8 this paragraph as investigative data under chapter 13.

7.9 (c) The board may accept and expend grants or gifts of money or in-kind services
 7.10 from a person, a public or private entity, or any other source for purposes consistent with
 7.11 the board's role and within the scope of its statutory authority.

7.12 (d) The board may accept registration fees for meetings and conferences conducted
 7.13 for the purposes of board activities that are within the scope of its authority.

7.14 Sec. 14. Minnesota Statutes 2012, section 148.211, is amended by adding a subdivision
 7.15 to read:

7.16 Subd. 1a. **Initial advanced practice registered nurse licensure.** (a) An applicant
 7.17 for a license to practice as an advanced practice registered nurse (APRN) shall apply to
 7.18 the board for a license in a format prescribed by the board and pay a fee in an amount
 7.19 determined by statute. In no case may fees be refunded.

7.20 (b) To be eligible for licensure:

7.21 (1) the applicant must hold a current Minnesota professional nursing license or
 7.22 demonstrate eligibility for licensure as a registered nurse in this jurisdiction;

7.23 (2) the applicant shall not hold an encumbered license as a registered nurse in any
 7.24 state or territory;

7.25 (3) the applicant must have completed a graduate level APRN program accredited
 7.26 by a nursing or nursing-related accrediting body that is recognized by the United States
 7.27 Secretary of Education or the Council for Higher Education Accreditation as acceptable
 7.28 to the board. The education will be in one of the four APRN roles and at least one
 7.29 population focus;

7.30 (4) the applicant must be currently certified by a national certifying body recognized
 7.31 by the board in the APRN role and population foci appropriate to educational preparation;

7.32 (5) the applicant must report any criminal conviction, nolo contendere plea, Alford
 7.33 Plea, or other plea arrangement in lieu of conviction; and

7.34 (6) the applicant must have committed no acts or omissions which are grounds for
 7.35 disciplinary action in another jurisdiction or, if such acts have been committed and would

8.1 be grounds for disciplinary action as set forth in section 148.261, the board has found,
8.2 after investigation, that sufficient restitution has been made.

8.3 (c) After December 31, 2015, all new graduates applying for advanced practice
8.4 registered nurse licensure must meet the licensure requirements in this chapter.

8.5 Sec. 15. Minnesota Statutes 2012, section 148.211, is amended by adding a subdivision
8.6 to read:

8.7 Subd. 1b. **Advanced practice registered nurse grandfather provision.** Any
8.8 advanced practice registered nurse with authority to practice as an advanced practice
8.9 registered nurse in this state that is valid on December 31, 2015, shall be eligible to apply
8.10 for licensure as an advanced practice registered nurse under the provisions of this chapter
8.11 with current privileges and shall be eligible for license renewal under the conditions
8.12 and standards prescribed in this chapter.

8.13 Sec. 16. Minnesota Statutes 2012, section 148.211, subdivision 2, is amended to read:

8.14 Subd. 2. **Licensure by endorsement.** (a) The board shall issue a license to practice
8.15 advanced practice registered nursing, professional nursing or practical nursing without
8.16 examination to an applicant who has been duly licensed or registered as a nurse under the
8.17 laws of another state, territory, or country, if in the opinion of the board the applicant has the
8.18 qualifications equivalent to the qualifications required in this state as stated in subdivision
8.19 1, all other laws not inconsistent with this section, and rules promulgated by the board.

8.20 (b) After December 31, 2015, an applicant for advanced practice registered nurse
8.21 licensure by endorsement will be eligible for licensure if the applicant demonstrates:

8.22 (1) current national certification or recertification in the advanced role and
8.23 population focus area; and

8.24 (2) compliance with the advanced practice nursing educational requirements that
8.25 were in effect in Minnesota at the time the advanced practice registered nurse completed
8.26 the advanced practice nursing education program.

8.27 Sec. 17. Minnesota Statutes 2012, section 148.231, subdivision 1, is amended to read:

8.28 Subdivision 1. **Registration.** Every person licensed to practice advanced practice,
8.29 professional,² or practical nursing must maintain with the board a current registration
8.30 for practice as a an advanced practice registered nurse, registered nurse,² or licensed
8.31 practical nurse which must be renewed at regular intervals established by the board by
8.32 rule. No registration shall be issued by the board to a nurse until the nurse has submitted

9.1 satisfactory evidence of compliance with the procedures and minimum requirements
 9.2 established by the board.

9.3 The fee for periodic registration for practice as a nurse shall be determined ~~by the~~
 9.4 ~~board by law~~ in statute. Upon receipt of the application and the required fees, the board shall
 9.5 verify the application and the evidence of completion of continuing education requirements
 9.6 in effect, and thereupon issue to the nurse registration for the next renewal period. An
 9.7 applicant for advanced practice registered nursing (APRN) renewal shall provide evidence
 9.8 of current certification or recertification in the appropriate APRN role and at least one
 9.9 population focus by a nationally accredited certifying body recognized by the board.

9.10 Sec. 18. Minnesota Statutes 2012, section 148.231, subdivision 4, is amended to read:

9.11 Subd. 4. **Failure to register.** Any person licensed under the provisions of sections
 9.12 148.171 to 148.285 who fails to register within the required period shall not be entitled
 9.13 to practice nursing in this state as an advanced practice registered nurse, a registered
 9.14 nurse₂ or a licensed practical nurse.

9.15 Sec. 19. Minnesota Statutes 2012, section 148.231, subdivision 5, is amended to read:

9.16 Subd. 5. **Reregistration.** A person whose registration has lapsed desiring to
 9.17 resume practice shall make application for reregistration, submit satisfactory evidence
 9.18 of compliance with the procedures and requirements established by the board, and pay
 9.19 the reregistration fee for the current period to the board. A penalty fee shall be required
 9.20 from a person who practiced nursing without current registration. Thereupon, registration
 9.21 shall be issued to the person who shall immediately be placed on the practicing list as an
 9.22 advanced practice registered nurse, a registered nurse₂ or a licensed practical nurse.

9.23 Sec. 20. Minnesota Statutes 2012, section 148.233, subdivision 2, is amended to read:

9.24 Subd. 2. **Advanced practice registered nurse.** ~~An advanced practice registered~~
 9.25 ~~nurse certified as a certified clinical nurse specialist, certified nurse-midwife, certified~~
 9.26 ~~nurse practitioner, or certified registered nurse anesthetist shall use the appropriate~~
 9.27 ~~designation: RN,CNS; RN,CNM; RN,CNP; or RN,CRNA for personal identification and~~
 9.28 ~~in documentation of services provided. Identification of educational degrees and specialty~~
 9.29 ~~fields may be added. (a) Only those persons who hold current licensure to practice~~
 9.30 advanced practice registered nursing in this state may use the title advanced practice
 9.31 registered nurse with the role designation of certified registered nurse anesthetist, certified
 9.32 nurse-midwife, certified clinical nurse specialist, or certified nurse practitioner.

10.1 (b) An advanced practice registered nurse shall use the appropriate designation:
 10.2 APRN, CNS; APRN, CNM; APRN, CNP; or APRN, CRNA for personal identification
 10.3 and in documentation of services provided. Identification of educational degrees and
 10.4 specialty fields may be added.

10.5 (c) The advanced practice registered nurse with an earned doctorate may use the
 10.6 term "doctor" or abbreviation "Dr." When providing nursing care, APRNs shall provide
 10.7 clear identification of advanced practice registered nurse designation.

10.8 Sec. 21. Minnesota Statutes 2012, section 148.234, is amended to read:

10.9 **148.234 STATE BOUNDARIES CONSIDERATION.**

10.10 A nurse may perform ~~medical~~ patient care procedures and techniques at the direction
 10.11 of a physician, a podiatrist, or a dentist, or an advanced practice registered nurse licensed
 10.12 in another state, United States territory, or Canadian province if the physician, podiatrist,
 10.13 ~~or dentist, or advanced practice registered nurse~~ gave the direction after examining the
 10.14 patient and issued the direction in that state, United States territory, or Canadian province.

10.15 Nothing in this section allows a nurse to perform a ~~medical procedure~~ patient care
 10.16 procedure or technique at the direction of a physician, a podiatrist, or a dentist, or an
 10.17 advanced practice registered nurse that is illegal in this state.

10.18 Sec. 22. Minnesota Statutes 2012, section 148.235, is amended by adding a subdivision
 10.19 to read:

10.20 Subd. 7a. **Diagnosis, prescribing, and ordering.** Advanced practice registered
 10.21 nurses are authorized to:

10.22 (1) diagnose, prescribe, and institute therapy or referrals of patients to health care
 10.23 agencies and providers;

10.24 (2) prescribe, procure, sign for, record, administer, and dispense over-the-counter,
 10.25 legend, and controlled substances, including sample drugs; and

10.26 (3) plan and initiate a therapeutic regimen that includes ordering and prescribing
 10.27 durable medical devices and equipment, nutrition, diagnostic, and supportive services
 10.28 including, but not limited to, home health care, hospice, physical, and occupational therapy.

10.29 Sec. 23. Minnesota Statutes 2012, section 148.235, is amended by adding a subdivision
 10.30 to read:

10.31 Subd. 7b. **Drug Enforcement Administration requirements.** (a) Advanced
 10.32 practice registered nurses must:

11.1 (1) comply with federal Drug Enforcement Administration (DEA) requirements
 11.2 related to controlled substances; and

11.3 (2) immediately file any and all of the nurse's DEA registrations and numbers with
 11.4 the board.

11.5 (b) The board shall maintain current records of all advanced practice registered
 11.6 nurses with DEA registration and numbers.

11.7 Sec. 24. Minnesota Statutes 2012, section 148.251, subdivision 1, is amended to read:

11.8 Subdivision 1. **Initial approval.** An institution desiring to conduct a nursing
 11.9 program shall apply to the board and submit evidence that:

11.10 (1) It is prepared to provide a program of theory and practice in advanced practice,
 11.11 professional, or practical nursing that meets the program approval standards adopted by
 11.12 the board. Instruction and required experience may be obtained in one or more institutions
 11.13 or agencies outside the applying institution as long as the nursing program retains
 11.14 accountability for all clinical and nonclinical teaching.

11.15 (2) It is prepared to meet other standards established by law and by the board.

11.16 Sec. 25. Minnesota Statutes 2012, section 148.261, subdivision 1, is amended to read:

11.17 Subdivision 1. **Grounds listed.** The board may deny, revoke, suspend, limit,
 11.18 or condition the license and registration of any person to practice advanced practice,
 11.19 professional, ~~advanced practice registered,~~ or practical nursing under sections 148.171 to
 11.20 148.285, or to otherwise discipline a licensee or applicant as described in section 148.262.
 11.21 The following are grounds for disciplinary action:

11.22 (1) Failure to demonstrate the qualifications or satisfy the requirements for a license
 11.23 contained in sections 148.171 to 148.285 or rules of the board. In the case of a person
 11.24 applying for a license, the burden of proof is upon the applicant to demonstrate the
 11.25 qualifications or satisfaction of the requirements.

11.26 (2) Employing fraud or deceit in procuring or attempting to procure a permit,
 11.27 license, or registration certificate to practice advanced practice, professional, or practical
 11.28 nursing or attempting to subvert the licensing examination process. Conduct that subverts
 11.29 or attempts to subvert the licensing examination process includes, but is not limited to:

11.30 (i) conduct that violates the security of the examination materials, such as removing
 11.31 examination materials from the examination room or having unauthorized possession of
 11.32 any portion of a future, current, or previously administered licensing examination;

11.33 (ii) conduct that violates the standard of test administration, such as communicating
 11.34 with another examinee during administration of the examination, copying another

12.1 examinee's answers, permitting another examinee to copy one's answers, or possessing
12.2 unauthorized materials; or

12.3 (iii) impersonating an examinee or permitting an impersonator to take the
12.4 examination on one's own behalf.

12.5 (3) Conviction of a felony or gross misdemeanor reasonably related to the practice
12.6 of professional, advanced practice registered, or practical nursing. Conviction as used in
12.7 this subdivision includes a conviction of an offense that if committed in this state would
12.8 be considered a felony or gross misdemeanor without regard to its designation elsewhere,
12.9 or a criminal proceeding where a finding or verdict of guilt is made or returned but the
12.10 adjudication of guilt is either withheld or not entered.

12.11 (4) Revocation, suspension, limitation, conditioning, or other disciplinary action
12.12 against the person's professional or practical nursing license or advanced practice
12.13 registered nursing credential, in another state, territory, or country; failure to report to the
12.14 board that charges regarding the person's nursing license or other credential are pending in
12.15 another state, territory, or country; or having been refused a license or other credential by
12.16 another state, territory, or country.

12.17 (5) Failure to or inability to perform professional or practical nursing as defined in
12.18 section 148.171, subdivision 14 or 15, with reasonable skill and safety, including failure
12.19 of a registered nurse to supervise or a licensed practical nurse to monitor adequately the
12.20 performance of acts by any person working at the nurse's direction.

12.21 (6) Engaging in unprofessional conduct, including, but not limited to, a departure
12.22 from or failure to conform to board rules of professional or practical nursing practice that
12.23 interpret the statutory definition of professional or practical nursing as well as provide
12.24 criteria for violations of the statutes, or, if no rule exists, to the minimal standards of
12.25 acceptable and prevailing professional or practical nursing practice, or any nursing
12.26 practice that may create unnecessary danger to a patient's life, health, or safety. Actual
12.27 injury to a patient need not be established under this clause.

12.28 (7) Failure of an advanced practice registered nurse to practice with reasonable
12.29 skill and safety or departure from or failure to conform to standards of acceptable and
12.30 prevailing advanced practice registered nursing.

12.31 (8) Delegating or accepting the delegation of a nursing function or a prescribed
12.32 health care function when the delegation or acceptance could reasonably be expected to
12.33 result in unsafe or ineffective patient care.

12.34 (9) Actual or potential inability to practice nursing with reasonable skill and safety
12.35 to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or
12.36 as a result of any mental or physical condition.

13.1 (10) Adjudication as mentally incompetent, mentally ill, a chemically dependent
13.2 person, or a person dangerous to the public by a court of competent jurisdiction, within or
13.3 without this state.

13.4 (11) Engaging in any unethical conduct, including, but not limited to, conduct likely
13.5 to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard
13.6 for the health, welfare, or safety of a patient. Actual injury need not be established under
13.7 this clause.

13.8 (12) Engaging in conduct with a patient that is sexual or may reasonably be
13.9 interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually
13.10 demeaning to a patient, or engaging in sexual exploitation of a patient or former patient.

13.11 (13) Obtaining money, property, or services from a patient, other than reasonable
13.12 fees for services provided to the patient, through the use of undue influence, harassment,
13.13 duress, deception, or fraud.

13.14 (14) Revealing a privileged communication from or relating to a patient except when
13.15 otherwise required or permitted by law.

13.16 (15) Engaging in abusive or fraudulent billing practices, including violations of
13.17 federal Medicare and Medicaid laws or state medical assistance laws.

13.18 (16) Improper management of patient records, including failure to maintain adequate
13.19 patient records, to comply with a patient's request made pursuant to sections 144.291 to
13.20 144.298, or to furnish a patient record or report required by law.

13.21 (17) Knowingly aiding, assisting, advising, or allowing an unlicensed person to
13.22 engage in the unlawful practice of professional, advanced practice registered, or practical
13.23 nursing.

13.24 (18) Violating a rule adopted by the board, an order of the board, or a state or federal
13.25 law relating to the practice of professional, advanced practice registered, or practical
13.26 nursing, or a state or federal narcotics or controlled substance law.

13.27 (19) Knowingly providing false or misleading information that is directly related
13.28 to the care of that patient unless done for an accepted therapeutic purpose such as the
13.29 administration of a placebo.

13.30 (20) Aiding suicide or aiding attempted suicide in violation of section 609.215 as
13.31 established by any of the following:

13.32 (i) a copy of the record of criminal conviction or plea of guilty for a felony in
13.33 violation of section 609.215, subdivision 1 or 2;

13.34 (ii) a copy of the record of a judgment of contempt of court for violating an
13.35 injunction issued under section 609.215, subdivision 4;

14.1 (iii) a copy of the record of a judgment assessing damages under section 609.215,
 14.2 subdivision 5; or

14.3 (iv) a finding by the board that the person violated section 609.215, subdivision
 14.4 1 or 2. The board shall investigate any complaint of a violation of section 609.215,
 14.5 subdivision 1 or 2.

14.6 (21) Practicing outside the scope of practice authorized by section 148.171,
 14.7 subdivision 5, 10, 11, 13, 14, 15, or 21.

14.8 ~~(22) Practicing outside the specific field of nursing practice for which an advanced~~
 14.9 ~~practice registered nurse is certified unless the practice is authorized under section 148.284.~~

14.10 ~~(23)~~ (22) Making a false statement or knowingly providing false information to the
 14.11 board, failing to make reports as required by section 148.263, or failing to cooperate with
 14.12 an investigation of the board as required by section 148.265.

14.13 ~~(24)~~ (23) Engaging in false, fraudulent, deceptive, or misleading advertising.

14.14 ~~(25)~~ (24) Failure to inform the board of the person's certification or recertification
 14.15 status as a certified registered nurse anesthetist, certified nurse-midwife, certified nurse
 14.16 practitioner, or certified clinical nurse specialist.

14.17 ~~(26)~~ (25) Engaging in clinical nurse specialist practice, nurse-midwife practice, nurse
 14.18 practitioner practice, or registered nurse anesthetist practice without current certification
 14.19 by a national nurse certification organization acceptable to the board, ~~except during the~~
 14.20 ~~period between completion of an advanced practice registered nurse course of study and~~
 14.21 ~~certification, not to exceed six months or as authorized by the board.~~

14.22 ~~(27)~~ (26) Engaging in conduct that is prohibited under section 145.412.

14.23 ~~(28)~~ (27) Failing to report employment to the board as required by section 148.211,
 14.24 subdivision 2a, or knowingly aiding, assisting, advising, or allowing a person to fail to
 14.25 report as required by section 148.211, subdivision 2a.

14.26 Sec. 26. Minnesota Statutes 2012, section 148.262, subdivision 1, is amended to read:

14.27 Subdivision 1. **Forms of disciplinary action.** When the board finds that grounds for
 14.28 disciplinary action exist under section 148.261, subdivision 1, it may take one or more
 14.29 of the following actions:

14.30 (1) deny the license, registration, or registration renewal;

14.31 (2) revoke the license;

14.32 (3) suspend the license;

14.33 (4) impose limitations on the nurse's practice of advanced practice, professional,
 14.34 ~~advanced practice registered~~, or practical nursing including, but not limited to, limitation
 14.35 of scope of practice or the requirement of practice under supervision;

15.1 (5) impose conditions on the retention of the license including, but not limited to, the
 15.2 imposition of retraining or rehabilitation requirements or the conditioning of continued
 15.3 practice on demonstration of knowledge or skills by appropriate examination, monitoring,
 15.4 or other review;

15.5 (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the
 15.6 amount of the civil penalty to be fixed as to deprive the nurse of any economic advantage
 15.7 gained by reason of the violation charged, to reimburse the board for the cost of counsel,
 15.8 investigation, and proceeding, and to discourage repeated violations;

15.9 (7) order the nurse to provide unremunerated service;

15.10 (8) censure or reprimand the nurse; or

15.11 (9) any other action justified by the facts in the case.

15.12 Sec. 27. Minnesota Statutes 2012, section 148.262, subdivision 2, is amended to read:

15.13 Subd. 2. **Automatic suspension.** Unless the board orders otherwise, a license to
 15.14 practice advanced practice, professional, or practical nursing is automatically suspended if:

15.15 (1) a guardian of a nurse is appointed by order of a court under sections 524.5-101
 15.16 to 524.5-502;

15.17 (2) the nurse is committed by order of a court under chapter 253B; or

15.18 (3) the nurse is determined to be mentally incompetent, mentally ill, chemically
 15.19 dependent, or a person dangerous to the public by a court of competent jurisdiction within
 15.20 or without this state.

15.21 The license remains suspended until the nurse is restored to capacity by a court and,
 15.22 upon petition by the nurse, the suspension is terminated by the board after a hearing or
 15.23 upon agreement between the board and the nurse.

15.24 Sec. 28. Minnesota Statutes 2012, section 148.262, subdivision 4, is amended to read:

15.25 Subd. 4. **Reissuance.** The board may reinstate and reissue a license or registration
 15.26 certificate to practice advanced practice, professional, or practical nursing, but as a
 15.27 condition may impose any disciplinary or corrective measure that it might originally have
 15.28 imposed. Any person whose license or registration has been revoked, suspended, or limited
 15.29 may have the license reinstated and a new registration issued when, in the discretion of the
 15.30 board, the action is warranted, provided that the person shall be required by the board to
 15.31 pay the costs of the proceedings resulting in the revocation, suspension, or limitation of the
 15.32 license or registration certificate and reinstatement of the license or registration certificate,
 15.33 and to pay the fee for the current registration period. The cost of proceedings shall
 15.34 include, but not be limited to, the cost paid by the board to the Office of Administrative

16.1 Hearings and the Office of the Attorney General for legal and investigative services, the
 16.2 costs of a court reporter and witnesses, reproduction of records, board staff time, travel,
 16.3 and expenses, and board members' per diem reimbursements, travel costs, and expenses.

16.4 Sec. 29. Minnesota Statutes 2012, section 148.271, is amended to read:

16.5 **148.271 EXEMPTIONS.**

16.6 The provisions of sections 148.171 to 148.285 shall not prohibit:

16.7 (1) The furnishing of nursing assistance in an emergency.

16.8 (2) The practice of advanced practice, professional₂, or practical nursing by any
 16.9 legally qualified advanced practice, registered₂, or licensed practical nurse of another state
 16.10 who is employed by the United States government or any bureau, division, or agency
 16.11 thereof while in the discharge of official duties.

16.12 (3) The practice of any profession or occupation licensed by the state, other than
 16.13 advanced practice, professional₂, or practical nursing, by any person duly licensed to
 16.14 practice the profession or occupation, or the performance by a person of any acts properly
 16.15 coming within the scope of the profession, occupation, or license.

16.16 (4) The provision of a nursing or nursing-related service by a nursing assistant
 16.17 who has been delegated the specific function and is supervised by a registered nurse or
 16.18 monitored by a licensed practical nurse.

16.19 (5) The care of the sick with or without compensation when done in a nursing home
 16.20 covered by the provisions of section 144A.09, subdivision 1.

16.21 (6) Professional nursing practice or advanced practice registered nursing practice by
 16.22 a registered nurse or practical nursing practice by a licensed practical nurse licensed in
 16.23 another state or territory who is in Minnesota as a student enrolled in a formal, structured
 16.24 course of study, such as a course leading to a higher degree, certification in a nursing
 16.25 specialty, or to enhance skills in a clinical field, while the student is practicing in the course.

16.26 (7) Professional or practical nursing practice by a student practicing under the
 16.27 supervision of an instructor while the student is enrolled in a nursing program approved by
 16.28 the board under section 148.251.

16.29 (8) Advanced practice registered nursing as defined in section 148.171, subdivisions
 16.30 5, 10, 11, 13, and 21, by a registered nurse who is licensed and currently registered in
 16.31 Minnesota or another United States jurisdiction and who is enrolled as a student in a
 16.32 formal graduate education program leading to eligibility for certification and licensure
 16.33 as an advanced practice registered nurse; ~~or by a registered nurse licensed and currently~~
 16.34 ~~registered in Minnesota who has completed an advanced practice registered nurse course~~
 16.35 ~~of study and is awaiting certification, the period not to exceed six months.~~

17.1 Sec. 30. Minnesota Statutes 2012, section 148.281, subdivision 1, is amended to read:

17.2 Subdivision 1. **Violations described.** It shall be unlawful for any person,
17.3 corporation, firm, or association, to:

17.4 (1) sell or fraudulently obtain or furnish any nursing diploma, license or record, or
17.5 aid or abet therein;

17.6 (2) practice advanced practice, professional₂ or practical nursing; ~~or practice~~
17.7 as a public health nurse; ~~or practice as a certified clinical nurse specialist, certified~~
17.8 ~~nurse-midwife, certified nurse practitioner, or certified registered nurse anesthetist~~
17.9 under cover of any diploma, permit, license, registration certificate, advanced practice
17.10 credential, or record illegally or fraudulently obtained or signed or issued unlawfully or
17.11 under fraudulent representation;

17.12 (3) practice advanced practice, professional₂ or practical nursing unless the person has
17.13 been issued a temporary permit under the provisions of section 148.212 or is duly licensed
17.14 and currently registered to do so under the provisions of sections 148.171 to 148.285;

17.15 (4) use the professional title nurse unless duly licensed to practice advanced practice,
17.16 professional₂ or practical nursing under the provisions of sections 148.171 to 148.285,
17.17 except as authorized by the board by rule;

17.18 (5) use any abbreviation or other designation tending to imply licensure as a an
17.19 advanced practice registered nurse, a registered nurse, or a licensed practical nurse unless
17.20 duly licensed and currently registered so to practice advanced practice, professional₂ or
17.21 practical nursing under the provisions of sections 148.171 to 148.285 except as authorized
17.22 by the board by rule;

17.23 (6) use any title, abbreviation, or other designation tending to imply certification
17.24 as a certified registered nurse as defined in section 148.171, subdivision 22, unless duly
17.25 certified by a national nurse certification organization;

17.26 (7) use any abbreviation or other designation tending to imply registration as a
17.27 public health nurse unless duly registered by the board;

17.28 (8) practice advanced practice, professional, ~~advanced practice registered~~, or
17.29 practical nursing in a manner prohibited by the board in any limitation of a license or
17.30 registration issued under the provisions of sections 148.171 to 148.285;

17.31 (9) practice advanced practice, professional, ~~advanced practice registered~~, or
17.32 practical nursing during the time a license or current registration issued under the
17.33 provisions of sections 148.171 to 148.285 shall be suspended or revoked;

17.34 (10) conduct a nursing program for the education of persons to become advanced
17.35 practice registered nurses, registered nurses₂ or licensed practical nurses unless the
17.36 program has been approved by the board; and

18.1 (11) knowingly employ persons in the practice of advanced practice, professional,
18.2 or practical nursing who have not been issued a current permit, license, or registration
18.3 certificate to practice as a nurse in this state; ~~and.~~

18.4 ~~(12) knowingly employ a person in advanced practice registered nursing unless the~~
18.5 ~~person meets the standards and practices of sections 148.171 to 148.285.~~

18.6 Sec. 31. Minnesota Statutes 2012, section 148.281, is amended by adding a subdivision
18.7 to read:

18.8 Subd. 3. **Penalty; advanced practice registered nurses.** An advanced practice
18.9 registered nurse who practices advanced practice registered nursing without current
18.10 licensure and certification or recertification as an advanced practice registered nurse shall
18.11 pay a penalty fee of \$200 for the first month or part of a month and an additional \$100 for
18.12 each subsequent month or parts of months of practice. The amount of the penalty fee shall
18.13 be calculated from the first day the advanced practice registered nurse practiced without
18.14 current advanced practice registered nurse licensure and certification or recertification
18.15 to the date of last practice or from the first day the advanced practice registered nurse
18.16 practiced without the current licensure and certification or recertification.

18.17 Sec. 32. **REPEALER.**

18.18 Minnesota Statutes 2012, sections 148.171, subdivision 6; 148.235, subdivisions 1,
18.19 2, 2a, 4, 4a, 4b, 6, and 7; and 148.284, are repealed.

148.171 DEFINITIONS; TITLE.

Subd. 6. **Collaborative management.** "Collaborative management" is a mutually agreed-upon plan between an advanced practice registered nurse and one or more physicians or surgeons licensed under chapter 147 that designates the scope of collaboration necessary to manage the care of patients. The advanced practice registered nurse and the one or more physicians must have experience in providing care to patients with the same or similar medical problems, except that certified registered nurse anesthetists may continue to provide anesthesia in collaboration with physicians, including surgeons, podiatrists licensed under chapter 153, and dentists licensed under chapter 150A. Certified registered nurse anesthetists must provide anesthesia services at the same hospital, clinic, or health care setting as the physician, surgeon, podiatrist, or dentist.

148.235 PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.

Subdivision 1. **Certified nurse-midwives.** A certified nurse-midwife may prescribe and administer drugs and therapeutic devices within practice as a certified nurse-midwife.

Subd. 2. **Certified nurse practitioners.** A certified nurse practitioner who has a written agreement with a physician based on standards established by the Minnesota Nurses Association and the Minnesota Medical Association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within practice as a certified nurse practitioner. The written agreement required under this subdivision shall be based on standards established by the Minnesota Nurses Association and the Minnesota Medical Association as of January 1, 1996, unless both associations agree to revisions.

Subd. 2a. **Certified registered nurse anesthetists.** A certified registered nurse anesthetist who has a written agreement with a physician based on standards established by the Minnesota Nurses Association and the Minnesota Medical Association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within practice as a certified registered nurse anesthetist.

Subd. 4. **Certified clinical nurse specialists in psychiatric and mental health nursing.** A certified clinical nurse specialist who (1) has successfully completed no less than 30 hours of formal study in the prescribing of psychotropic medications and medications to treat their side effects which included instruction in health assessment, psychotropic classifications, psychopharmacology, indications, dosages, contraindications, side effects, and evidence of application; and (2) has a written agreement with a psychiatrist or other physician based on standards established by the Minnesota Nurses Association and the Minnesota Psychiatric Association that specifies and defines the delegated responsibilities related to the prescription of drugs in relationship to the diagnosis, may prescribe and administer drugs used to treat psychiatric and behavioral disorders and the side effects of those drugs within the scope of the written agreement and within practice as a certified clinical nurse specialist in psychiatric and mental health nursing. The written agreement required under this subdivision shall be based on standards established by the Minnesota Nurses Association and the Minnesota Psychiatric Association as of January 1, 1996, unless both associations agree to revisions.

Nothing in this subdivision removes or limits the legal professional liability of the treating psychiatrist, certified clinical nurse specialist, mental health clinic or hospital for the prescription and administration of drugs by a certified clinical nurse specialist in accordance with this subdivision.

Subd. 4a. **Other certified clinical nurse specialists.** A certified clinical nurse specialist who: (1) has successfully completed no less than 30 hours of formal study from a college, university, or university health care institution, which included the following: instruction in health assessment, medication classifications, indications, dosages, contraindications, and side effects; supervised practice; and competence evaluation, including evidence of the application of knowledge pertaining to prescribing for and therapeutic management of the clinical type of patients in the certified clinical nurse specialist's practice; and (2) has a written agreement with a physician based on standards established by the Minnesota Nurses Association and the Minnesota Medical Association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within practice as a certified clinical nurse specialist.

APPENDIX

Repealed Minnesota Statutes: 13-1174

Subd. 4b. **Dispensing authority.** An advanced practice registered 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.

Subd. 6. **Standards for written agreements; review and filing.** Written agreements required under this section shall be maintained at the primary practice site of the advanced practice registered nurse and of the collaborating physician. The written agreement does not need to be filed with the Board of Nursing or the Board of Medical Practice.

Subd. 7. **Federal registration.** Any advanced practice registered nurse who applies to the federal Drug Enforcement Administration for a registration number shall submit to the board:

- (1) proof that requirements of this section are met; and
- (2) a processing fee of \$50.

148.284 CERTIFICATION OF ADVANCED PRACTICE REGISTERED NURSES.

(a) No person shall practice advanced practice registered nursing or use any title, abbreviation, or other designation tending to imply that the person is an advanced practice registered nurse, clinical nurse specialist, nurse anesthetist, nurse-midwife, or nurse practitioner unless the person is certified for such advanced practice registered nursing by a national nurse certification organization.

(b) Paragraphs (a) and (e) do not apply to an advanced practice registered nurse who is within six months after completion of an advanced practice registered nurse course of study and is awaiting certification, provided that the person has not previously failed the certification examination.

(c) An advanced practice registered nurse who has completed a formal course of study as an advanced practice registered nurse and has been certified by a national nurse certification organization prior to January 1, 1999, may continue to practice in the field of nursing in which the advanced practice registered nurse is practicing as of July 1, 1999, regardless of the type of certification held if the advanced practice registered nurse is not eligible for the proper certification.

(d) Prior to July 1, 2007, a clinical nurse specialist may petition the board for waiver from the certification requirement in paragraph (a) if the clinical nurse specialist is academically prepared as a clinical nurse specialist in a specialty area for which there is no certification within the clinical nurse specialist role and specialty or a related specialty. The board may determine that an available certification as a clinical nurse specialist in a related specialty must be obtained in lieu of the specific specialty or subspecialty. The petitioner must be academically prepared as a clinical nurse specialist in a specific field of clinical nurse specialist practice with a master's degree in nursing that included clinical experience in the clinical specialty and must have 1,000 hours of supervised clinical experience in the clinical specialty for which the individual was academically prepared with a minimum of 500 hours of supervised clinical practice after graduation. The board may grant a nonrenewable permit for no longer than 12 months for the supervised postgraduate clinical experience. The board may renew the waiver for three-year periods provided the clinical nurse specialist continues to be ineligible for certification as a clinical nurse specialist by an organization acceptable to the board.

(e) An advanced practice registered nurse who practices advanced practice registered nursing without current certification or current waiver of certification as a clinical nurse specialist, nurse midwife, nurse practitioner, or registered nurse anesthetist, or practices with current certification but fails to notify the board of current certification, shall pay a penalty fee of \$200 for the first month or part of a month and an additional \$100 for each subsequent month or parts of months of practice. The amount of the penalty fee shall be calculated from the first day the advanced practice registered nurse practiced without current advanced practice registered nurse certification or current waiver of certification to the date of last practice or from the first day the advanced practice registered nurse practiced without the current status on file with the board until the day the current certification is filed with the board.