

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1055

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DATE	D-PG	OFFICIAL STATUS
03/28/2011	770	Introduction and first reading Referred to Health and Human Services

1.1 A bill for an act
1.2 relating to nurses; making technical changes; repealing license recognition for
1.3 bordering states; establishing certain fees; amending Minnesota Statutes 2010,
1.4 sections 148.191, subdivision 2; 148.211, subdivision 1; 148.212, subdivision
1.5 1; 148.231; proposing coding for new law in Minnesota Statutes, chapter 148;
1.6 repealing Minnesota Statutes 2010, section 148.211, subdivision 2a; Minnesota
1.7 Rules, parts 6310.3100, subpart 2; 6310.3600; 6310.3700, subpart 1.

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

1.9 Section 1. Minnesota Statutes 2010, section 148.191, subdivision 2, is amended to read:
1.10 Subd. 2. **Powers.** (a) The board is authorized to adopt and, from time to time, revise
1.11 rules not inconsistent with the law, as may be necessary to enable it to carry into effect the
1.12 provisions of sections 148.171 to 148.285. The board shall prescribe by rule curricula
1.13 and standards for schools and courses preparing persons for licensure under sections
1.14 148.171 to 148.285. It shall conduct or provide for surveys of such schools and courses
1.15 at such times as it may deem necessary. It shall approve such schools and courses as
1.16 meet the requirements of sections 148.171 to 148.285 and board rules. It shall examine,
1.17 license, and renew the license of duly qualified applicants. It shall hold examinations
1.18 at least once in each year at such time and place as it may determine. It shall by rule
1.19 adopt, evaluate, and periodically revise, as necessary, requirements for licensure and for
1.20 registration and renewal of registration as defined in section 148.231. It shall maintain a
1.21 record of all persons licensed by the board to practice professional or practical nursing and
1.22 all registered nurses who hold Minnesota licensure and registration and are certified as
1.23 advanced practice registered nurses. It shall cause the prosecution of all persons violating
1.24 sections 148.171 to 148.285 and have power to incur such necessary expense therefor.
1.25 It shall register public health nurses who meet educational and other requirements

established by the board by rule, including payment of a fee. ~~Prior to the adoption of rules, the board shall use the same procedures used by the Department of Health to certify public health nurses.~~ It shall have power to issue subpoenas, and to compel the attendance of witnesses and the production of all necessary documents and other evidentiary material. Any board member may administer oaths to witnesses, or take their affirmation. It shall keep a record of all its proceedings.

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

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

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

Sec. 2. Minnesota Statutes 2010, section 148.211, subdivision 1, is amended to read:

Subdivision 1. **Licensure by examination.** (a) An applicant for a license to practice as a registered nurse or licensed practical nurse shall apply to the board for a license by examination on forms prescribed by the board and pay a fee in an amount determined by statute. An applicant applying for reexamination shall pay a fee in an amount determined by law. In no case may fees be refunded.

(b) The applicant must satisfy the following requirements for licensure by examination:

(1) present evidence the applicant has not engaged in conduct warranting disciplinary action under section 148.261;

(2) present evidence of completion of a nursing education program which was conducted in English and approved by the board, another United States nursing board, or a Canadian province, which prepared the applicant for the type of license for which the application has been submitted; and

(3) pass a national nurse licensure written examination. "Written examination" includes paper and pencil examinations and examinations administered with a computer

and related technology and may include supplemental oral or practical examinations approved by the board.

(c) An applicant who graduated from an approved nursing education program in Canada and was licensed in Canada or another United States jurisdiction, without passing the national nurse licensure examination, must also submit a verification of licensure from the original Canadian licensure authority and from the United States jurisdiction.

(d) An applicant who graduated from a nursing program in a country other than the United States or Canada, excluding Quebec, must also satisfy the following requirements:

(1) present verification of graduation from a nursing education program which prepared the applicant for the type of license for which the application has been submitted and is determined to be equivalent to the education required in the same type of nursing education programs in the United States as evaluated by a credentials evaluation service acceptable to the board. The credentials evaluation service must submit the evaluation and verification directly to the board;

(2) demonstrate successful completion of coursework to resolve identified nursing education deficiencies; and

(3) pass examinations acceptable to the board that test written and spoken English, unless the applicant graduated from a nursing education program conducted in English and located in an English-speaking country. The results of the examinations must be submitted directly to the board from the testing service.

(e) An applicant failing to pass the examination may apply for reexamination.

(f) When the applicant has met all requirements stated in this subdivision, the board shall issue a license to the applicant. The board may issue a license with conditions and limitations if it considers it necessary to protect the public.

Sec. 3. Minnesota Statutes 2010, section 148.212, subdivision 1, is amended to read:

Subdivision 1. **Issuance.** Upon receipt of the applicable licensure or reregistration fee and permit fee, and in accordance with rules of the board, the board may issue a nonrenewable temporary permit to practice professional or practical nursing to an applicant for licensure or reregistration who is not the subject of a pending investigation or disciplinary action, nor disqualified for any other reason, under the following circumstances:

~~(a) The applicant for licensure by examination under section 148.211, subdivision 1, has graduated from an approved nursing program within the 60 days preceding board receipt of an affidavit of graduation or transcript and has been authorized by the board to write the licensure examination for the first time in the United States. The permit holder~~

~~must practice professional or practical nursing under the direct supervision of a registered nurse. The permit is valid from the date of issue until the date the board takes action on the application or for 60 days whichever occurs first.~~

~~(b)~~ The applicant for licensure by endorsement under section 148.211, subdivision 2, is currently licensed to practice professional or practical nursing in another state, territory, or Canadian province. The permit is valid ~~from submission of a proper request~~ until the date of board action on the application or for 60 days, whichever comes first.

~~(c)~~ (b) The applicant for licensure by endorsement under section 148.211, subdivision 2, or for reregistration under section 148.231, subdivision 5, is currently registered in a formal, structured refresher course or its equivalent for nurses that includes clinical practice.

~~(d)~~ The applicant for licensure by examination under section 148.211, subdivision 1, who graduated from a nursing program in a country other than the United States or Canada has completed all requirements for licensure except registering for and taking the nurse licensure examination for the first time in the United States. The permit holder must practice professional nursing under the direct supervision of a registered nurse. The permit is valid from the date of issue until the date the board takes action on the application or for 60 days, whichever occurs first.

Sec. 4. Minnesota Statutes 2010, section 148.231, is amended to read:

148.231 REGISTRATION; FAILURE TO REGISTER; REREGISTRATION; VERIFICATION.

Subdivision 1. **Registration.** Every person licensed to practice professional or practical nursing must maintain with the board a current registration for practice as a registered nurse or licensed practical nurse which must be renewed at regular intervals established by the board by rule. No ~~certificate~~ of registration shall be issued by the board to a nurse until the nurse has submitted satisfactory evidence of compliance with the procedures and minimum requirements established by the board.

The fee for periodic registration for practice as a nurse shall be determined by the board by rule law. ~~A penalty fee shall be added for any application received after the required date as specified by the board by rule.~~ Upon receipt of the application and the required fees, the board shall verify the application and the evidence of completion of continuing education requirements in effect, and thereupon issue to the nurse ~~a certificate of registration~~ for the next renewal period.

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

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

Subd. 6. **Verification.** A person licensed under the provisions of sections 148.171 to 148.285 who requests the board to verify a Minnesota license to another state, territory, or country or to an agency, facility, school, or institution shall pay a fee ~~to the board~~ for each verification.

Sec. 5. **[148.242] FEES.**

The fees specified in section 148.243 are nonrefundable and must be deposited in the state government special revenue fund.

Sec. 6. **[148.243] FEE AMOUNTS.**

Subdivision 1. **Licensure by examination.** The fee for licensure by examination is \$105.

Subd. 2. **Reexamination fee.** The reexamination fee is \$60.

Subd. 3. **Licensure by endorsement.** The fee for licensure by endorsement is \$105.

Subd. 4. **Registration renewal.** The fee for registration renewal is \$85.

Subd. 5. **Reregistration.** The fee for reregistration is \$145.

Subd. 6. **Replacement license.** The fee for a replacement license is \$20.

Subd. 7. **Public health nurse certification.** The fee for public health nurse certification is \$30.

Subd. 8. **Drug Enforcement Administration verification for Advanced Practice Registered Nurse (APRN).** The Drug Enforcement Administration verification for APRN is \$50.

Subd. 9. **Licensure verification other than through Nursys.** The fee for verification of licensure status other than through Nursys verification is \$20.

Subd. 10. **Verification of examination scores.** The fee for verification of examination scores is \$20.

6.1 Subd. 11. **Microfilmed licensure application materials.** The fee for a copy of
6.2 microfilmed licensure application materials is \$20.

6.3 Subd. 12. **Nursing business registration; initial application.** The fee for the initial
6.4 application for nursing business registration is \$100.

6.5 Subd. 13. **Nursing business registration; annual application.** The fee for the
6.6 annual application for nursing business registration is \$25.

6.7 Subd. 14. **Practicing without current registration.** The fee for practicing without
6.8 current registration is two times the amount of the current registration renewal fee for any
6.9 part of the first calendar month, plus the current registration renewal fee for any part of
6.10 any subsequent month up to 24 months.

6.11 Subd. 15. **Practicing without current APRN certification.** The fee for practicing
6.12 without current APRN certification is \$200 for the first month or any part thereof, plus
6.13 \$100 for each subsequent month or part thereof.

6.14 Subd. 16. **Dishonored check fee.** The service fee for a dishonored check is as
6.15 provided in section 604.113.

6.16 Sec. 7. **REPEALER.**

6.17 Minnesota Statutes 2010, section 148.211, subdivision 2a, is repealed.

6.18 Minnesota Rules, parts 6310.3100, subpart 2; 6310.3600; and 6310.3700, subpart
6.19 1, are repealed.