

## 147.30 PHYSICIANS AND SURGEONS, OSTEOPATHS

education coordinating commission. In selecting medical students priority shall be given to students enrolled in schools in Minnesota. Each recipient shall execute a note to the state payable on demand for the principal amount of the loan with interest at not more than eight percent per annum the rate applicable to any particular note to be determined by the commission. Interest shall run on the principal balance from the date of the loan until the principal sum is paid said interest to be payable when the principal sum is paid; provided that the obligation to repay the principal and interest on any such loan shall be forgiven if the recipient has practiced medicine or osteopathy for a period of 18 months for each initial or renewal period of the loan, or five years, whichever is less, in an area in need of medical doctors or osteopaths as designated by the higher education coordinating commission. If the recipient fails to fulfill the obligation to practice, the principal and interest on any such loan shall be payable according to the terms of the note executed by such recipient. Assistance may be granted in the amount that the commission determines sufficient for the purpose specified in this section not to exceed \$5,000 per recipient per year. Loans shall be renewed on an annual basis contingent on the good standing of the recipient in the program. No individual recipient shall receive loans to exceed \$20,000 in aggregate principal amount. The commission may delay the time for beginning practice not more than four years after the recipient has qualified to practice if the recipient wishes to seek additional medical or osteopathic training.

[1975 c 267 s 1; 1975 c 390 s 9]

## 147.31 Bonds.

The higher education coordinating commission is authorized to issue revenue bonds, notes, bond anticipation notes and refunding revenue bonds in accordance with and pursuant to the provisions on revenue bonds for student loans contained in chapter 136A for the purpose of securing funds necessary for renewing loans to medical and osteopathic students and \$120,000 per year for new loans for the program authorized pursuant to sections 147.30 to 147.33. Such bonds may be issued and secured in all respects as provided in the said chapter 136A and sections 147.30 to 147.33. The higher education coordinating commission is authorized to issue its revenue bonds to refund any revenue bonds issued under the provisions of sections 147.30 to 147.33, such refunding to be accomplished in accordance with the applicable provisions of chapter 136A, the provisions of sections 147.30 to 147.33 and the provisions of the resolution authorizing the bonds to be refunded.

[1975 c 390 s 8]

## CHAPTER 148. OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

Sec.		Sec.	
148.01	Chiropractic.	148.292	Approved program.
148.03	Appointment.	148.293	Violations, exemptions.
148.04	Procedure.	148.294	Registration.
148.07	Disposition of fees.	148.295	Allowable unlicensed practices. [New]
148.08	Licenses recorded; rules and regulations.	148.296	Board; rules.
148.181	Board of nursing; membership, appointments, vacancies, removals.	148.297	Revocation or suspension of license; notice, hearing.
148.191	Officers; rules; executive director.	148.298	Disposition of fees. [New]
148.201	Repealed.	148.299	Unauthorized practice of practical nursing. [New]
148.211	Application; examination; license; fee.	148.52	Board of optometry.
148.231	Advisory council, continuing education requirements; registration; non-practicing list.	148.54	Board; officers; seal.
148.251	School of nursing.	148.55	Compensation of secretary; attorney; assistants; records.
148.261	Revocation of license.	148.60	Disposal of fees.
148.271	Allowable unlicensed practices.	148.67	Examining committee.
148.281	Violations.	148.68	Repealed.
148.282	Repealed.	148.69	Repealed.
148.286	Nursing grants-in-aid.	148.70	Applicants, qualifications.
148.29	Definitions.	148.90	Board of examiners.
148.291	Examinations.	148.95	Suspension and revocation.

## OCCUPATIONS IN PROTECTION PUBLIC HEALTH 148.08

### 148.01 Chiropractic.

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. Chiropractic practice includes those non-invasive means of clinical, physical, and laboratory measures and analytical x-ray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition. The practice of chiropractic may include procedures which are used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment. The procedures may not be used as independent therapies or separately from chiropractic adjustment. No device which utilizes heat or sound shall be used in the treatment of a chiropractic condition unless it has been approved by the Federal Communications Commission. No device shall be used above the neck of the patient. Any chiropractor who utilizes procedures in violation of this subdivision shall be guilty of professional misconduct and subject to disciplinary procedures pursuant to section 148.10.

[1975 c 362 s 1]

### 148.03 Appointment.

The governor shall appoint a board of chiropractic examiners consisting of two public members as defined for purposes of Laws 1973, Chapter 638 and five resident chiropractors who shall have practiced chiropractic in this state for at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course of chiropractic, but no more than two of whom shall be graduates of the same school or college of chiropractic. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The board shall have the authority to prescribe rules and regulations relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licenses. Vacancies caused by death or otherwise shall be filled by the governor within 60 days. No member of the board shall be financially interested in any chiropractic school or college or be in any way affiliated with the practice of other methods of healing as are now regulated by law in this state.

[1975 c 136 s 8]

### 148.04 Procedure.

The officers of the board of chiropractic examiners shall have power to administer oaths, summon witnesses, and take testimony as to matters pertaining to its duties. It shall adopt a minimum of educational requirements not inconsistent with the provisions of sections 148.01 to 148.10, which shall be without prejudice, partiality, or discrimination as to the different schools or colleges of chiropractic. The board shall meet at such times as the majority of the board may deem proper. A majority of the board shall constitute a quorum for the transaction of business. The secretary shall keep a record of its proceedings. This report shall be prima facie evidence of all matters therein recorded.

[1975 c 136 s 9]

### 148.07 Disposition of fees.

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. [Repealed, 1975 c 136 s 77]

### 148.08 Licenses recorded; rules and regulations.

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 148.08 OCCUPATIONS IN PROTECTION PUBLIC HEALTH

[For text of subd 1, see M.S.1974]

**Subd. 2. How regulated.** Chiropractors shall be subject to the same rules and regulations, both municipal and state, that govern other licensed doctors or physicians in the control of contagious and infectious diseases, and shall be entitled to sign health and death certificates, and to all rights and privileges of other doctors or physicians in all matters pertaining to the public health, except prescribing internal drugs or the practice of medicine, physical therapy, surgery and obstetrics.

[1975 c 362 s 2]

### 148.181 Board of nursing; membership, appointments, vacancies, removals.

Subdivision 1. The board of nursing shall consist of 11 members appointed by the governor, each of whom shall be a resident of this state. Seven members shall be nurses; each of whom shall have graduated from an approved school of nursing; shall be licensed as a registered nurse in this state; shall have had at least five years experience in nursing following graduation. Four of the seven shall have had at least two years executive or teaching experience in nursing education and shall have been actively engaged in the practice of nursing within two years of appointment. The remaining four members shall be public members as defined for purposes of Laws 1973, Chapter 638. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. Each member of the board shall file with the secretary of state the constitutional oath of office before beginning his or her term of office.

Subd. 2. On expiration of the term of a member who is a nurse, the governor may appoint, from a list of members submitted by professional nursing groups, a nurse to hold office for a term of five years commencing on July 1 next following the date of expiration of the former term. Such list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by professional nursing groups in the manner aforesaid, within a period of 90 days. No board member shall be appointed to consecutive terms. Members shall hold office until a successor is appointed and qualified.

(NOTE: Section 148.81, Subdivision 2, was also amended by Laws 1975, Chapter 136, Section 11, to read as follows:

"Subd. 2. On expiration of the term of a member who is a nurse, the governor may appoint a nurse, from a list of members submitted by the Minnesota nurses' association and other professional nursing groups. Such list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by the Minnesota nurses' association and other professional nursing groups in the manner aforesaid, within a period of 90 days.")

**Subd. 3.** [Repealed, 1975 c 136 s 77]

[1975 c 136 s 10; 1975 c 360 s 1,2]

### 148.191 Officers; rules; executive director.

Subdivision 1. The board shall elect from its members a president, a vice president and a secretary-treasurer who shall each serve for one year or until his successor is elected and qualifies. The board may appoint and employ an executive director as hereinafter provided who need not be a member of the board. A majority of the board, including one officer, shall constitute a quorum at any meeting.

Subd. 2. The board is authorized to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.285. The board shall prescribe by rule curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to 148.285. It shall conduct or pro-

## OCCUPATIONS IN PROTECTION PUBLIC HEALTH 148.231

vide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of sections 148.171 to 148.285 and board rules. It shall examine, license and renew the license of duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall by rule adopt, evaluate and periodically revise, as necessary, requirements for licensure and for registration and renewal of registration as defined in section 148.231. It shall conduct hearings pursuant to the administrative procedure act upon charges calling for discipline of a licensee or revocation of a license. It shall have power to issue subpoenas, and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings. It shall cause the prosecution of all persons violating sections 148.171 to 148.285 and have power to incur such necessary expense therefor. It shall keep a record of all its proceedings and make a biennial report to the governor on or before October 1 in each even-numbered year.

Subd. 3. The board may appoint and employ a qualified person to serve as executive director to the board, and it shall define duties for this position. The board may as necessary from time to time secure the services of a qualified person to serve as a hearing officer consistent with chapters 15 and 43. It may employ such other persons as may be necessary to carry on the work of the board.

[1975 c 136 s 12; 1975 c 240 s 1; 1975 c 360 s 3]

**148.201** [Repealed, 1975 c 136 s 77]

**148.211** *Application; examination; license; fee.*

Subdivision 1. An applicant for a license to practice as a registered nurse shall submit to the board written evidence, verified by oath, on the application form prescribed by the board, that said applicant:

- (1) Is of good moral character;
- (2) Is in good mental health;
- (3) Meets secondary education requirements as determined by the board and shall meet such other preliminary qualification requirements as the board may prescribe;
- (4) Has completed a course of study in an approved school of professional nursing and holds a diploma therefrom.

[For text of subd 2, see M.S. 1974]

Subd. 3. The applicant applying for a license to practice as a registered nurse shall pay a fee of an amount determined by rule by the board so that total fees collected by the board will as closely as possible equal anticipated expenditures. Any applicant applying for re-examination shall pay a fee of an amount determined in the same manner.

[1975 c 360 s 4,5]

**148.231** *Advisory council, continuing education requirements; registration; non-practicing list.*

**Subdivision 1. Registration.** Except for a person whose name is on the non-practicing list as provided in this section, every person licensed to practice professional nursing must also maintain with the board, a current registration for practice as a registered nurse which must be renewed at regular intervals stipulated by the board by rule. Upon adoption by the board of rules and regulations establishing procedures and minimum requirements for successful completion of specified continuing education as hereinafter provided, no certificate of registration shall be issued by the board to a nurse until he or she 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 registered nurse shall be determined by the board by rule. A penalty fee shall be added for any appli-

## 148.231 OCCUPATIONS IN PROTECTION PUBLIC HEALTH

cation received after the expiration 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 such applicant a certificate of registration for the next renewal period.

**Subd. 2. Advisory council.** The board of nursing shall appoint an advisory task force on registration consisting of 15 members, to study procedures and requirements for continuing education for nurses, and to submit recommendations for rules to the board by January 1, 1977. The task force shall assist the board in evaluating the effects of the procedures and requirements and periodically recommending revision to the board. Members of the advisory council shall be registered nurses, no more than seven of whom shall live in Hennepin or Ramsey counties. At least three members from Hennepin and Ramsey counties and three of the other members shall be appointed by the board from lists submitted by professional nursing organizations in the state. Members of the task force shall be entitled to expenses in the same manner and amount as received by state employees. The task force shall expire January 1, 1978.

**Subd. 3. Continuing education requirements.** Not later than January 1, 1978 the board shall by rule promulgate and thereafter periodically revise as it deems appropriate rules for: (a) the type and amount of continuing education directly related to nursing required for a registered nurse as a qualification for licensure or any registration to practice as a registered nurse; and (b) the period of time authorized for applicants to meet the continuing education requirements. In establishing the rules, the board may differentiate in the type, amount, and period for meeting the continuing education required of applicants.

**Subd. 4. Failure to register.** Any person licensed under the provisions of sections 148.171 to 148.285 who fails to re-register within the period hereinbefore provided, shall be deemed delinquent and shall not be entitled to practice nursing in this state as a registered nurse, until an application for renewal registration has been filed with the board accompanied by satisfactory evidence of compliance with the procedures and minimum requirements currently established by the board for continuing education and by a registration fee for each calendar year during which said applicant has failed to register, up to a maximum stipulated by the board by rule, and a certificate of re-registration issued to such person.

**Subd. 5. Non-practicing list; re-registration.** A person licensed under the provisions of sections 148.171 to 148.285 who desires to retire from practice temporarily, shall send a written notice to the board. Upon the receipt of such notice, the board shall place the name of such person on the non-practicing list. While so remaining on this list, the person shall not be subject to the payment of any fees, and shall not practice nursing in this state. When such person desires to resume practice he or she shall make application for re-registration, and submit satisfactory evidence of compliance with the procedures and minimum requirements established by the board for continuing education, and pay the registration fee for the current period to the board. Thereupon, the registration certificate shall be issued to such applicant, and such person shall immediately be placed on the practicing list as a registered nurse.

**Subd. 6. Fee for license verification.** A person licensed under the provisions of sections 148.171 to 148.285 who requests the board to verify such Minnesota license to another jurisdiction shall pay a fee to the board for each verification.

[1975 c 240 s 2; 1975 c 360 s 6,7]

### 148.251 School of nursing.

Subdivision 1. An institution desiring to conduct a school of nursing shall apply to the board and submit evidence that:

(1) It is prepared to provide a program of theory and practice in nursing as prescribed in the curriculum adopted by the board. Such instruction and experience may be secured in one or more institutions or agencies approved by the board.

**OCCUPATIONS IN PROTECTION PUBLIC HEALTH 148.261**

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

Subd. 2. A survey of the institution or institutions with which the school is to be affiliated shall be made by a qualified representative of the board. Such representative shall submit a written report of the survey to the board. If the board determines that the requirements for an approved school of nursing are met, it shall designate the school as an approved school of nursing.

Subd. 3. From time to time as deemed necessary by the board, it shall be the duty of the board, through its representatives, to survey all schools of nursing in the state. Written reports of such surveys shall be submitted to the board by the representative. If the board determines that any approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of nursing.

[1975 c 360 s 8]

**148.261 Revocation of license.**

Subdivision 1. The board shall have power pursuant to procedures specified in the administrative procedure act, unless otherwise permitted in this section, to deny, suspend, revoke, or restrict the license and registration of any person to practice professional nursing pursuant to sections 148.171 to 148.285, or to otherwise discipline a licensee or applicant upon proof that the person:

(1) Has employed fraud or deceit in procuring or attempting to procure a license to practice nursing as a registered nurse or annual registration for the practice of professional nursing;

(2) Has been convicted of a felony or gross misdemeanor;

(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) Has, in his or her professional capacity, exhibited behavior which creates an undue risk of harm to others;

(6) Is guilty of unethical practice of nursing;

(7) Has wilfully or repeatedly violated any of the provisions of sections 148.171 to 148.285.

Subd. 2. Before the board shall order any such suspension, restriction, disciplinary action or revocation it shall, on its own motion, cause an investigation to be made. It shall issue a citation under the seal of the board, signed by the executive director, directing and requiring the licensee to show cause on a day certain why his or her license and registration shall not be suspended, restricted or revoked on the grounds specified therein, and the person shall be given 20 days notice of the hearing. The board may without notice or hearing temporarily suspend the license and registration for not more than 30 days when any of the grounds of revocation, suspension or discipline designated in section 148.261, subdivision 1, are under investigation by the board, a citation has been issued by the board pursuant to this subdivision, and the board has determined that the practice of nursing by the person creates an imminent risk of harm to others. The board must schedule a hearing on a temporary suspension within ten days after the date of suspension. At any hearing under this section, the licensee shall be entitled to be represented by legal counsel. A hearing officer may preside at the hearing and a stenographic record shall be kept of the proceedings. The action of the board hereunder, affecting a license or registration, shall be subject to review in district court pursuant to sections 15.0424 to 15.0426.

Subd. 3. Any registered nurse whose license or registration has been suspended, restricted or revoked, may have his license reinstated and a new regis-

## 148.261 OCCUPATIONS IN PROTECTION PUBLIC HEALTH

tration issued when in the discretion of the board the action is warranted, provided that such nurse may be required by the board to pay 50 percent of the costs of the proceedings resulting in the suspension or revocation of the license or registration certificate and reinstatement of the license or renewal certificate, and in addition thereto, pay the fee for the current year's registration.

[1975 c 360 s 9]

### 148.271 Allowable unlicensed practices.

The provisions of sections 148.171 to 148.285 shall not prohibit:

- (1) The furnishing of nursing assistance in an emergency.
- (2) The practice of nursing by any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties.
- (3) Under the direct supervision of a registered nurse, the practice of nursing by a graduate of a school of professional nursing approved by the board between the date of graduation and the date of notification to such graduate of the board action upon his or her application for licensure hereunder, provided that such graduate will take the first examination for licensure hereunder following graduation given by the board and will be issued a permit by the board to engage in supervised practice of professional nursing while awaiting notification of the results of such examination. The board is authorized to issue permits to such graduates which shall permit the practice of professional nursing under direct supervision from the date of graduation until the date that the board shall notify such graduates of the results of their applications for registration conditioned upon such graduates making prompt application for registration and taking the first examination given by the board which they are eligible to take following graduation. Such permits shall not be renewable.
- (4) The practice of any profession or occupation licensed by the state, other than professional nursing, by any person duly licensed to practice such profession or occupation, or the performance by such a person of any acts properly coming within the scope of such a profession, occupation or license.
- (5) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.
- (6) The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the state of Minnesota pursuant to a temporary permit issued by the board of nursing which permit shall be issued by the board pursuant to such rules and regulations as it may promulgate, for the period between the submission of a proper application for licensure by such person and the date of action upon such application by the board.
- (7) The care of the sick, injured or infirm in a private home by any person who does not assume or represent to be a registered or professional nurse.

[1975 c 360 s 10]

### 148.281 Violations.

Subdivision 1. It shall be unlawful for any person, corporation, or association, to:

- (1) Sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein;
- (2) Practice professional nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
- (3) Practice professional nursing unless duly licensed and currently registered to do so under the provisions of sections 148.171 to 148.285;
- (4) Use any abbreviation or other designation tending to imply licensure as a registered nurse unless duly registered and licensed so to practice professional nursing under the provisions of sections 148.171 to 148.285;

# MINNESOTA STATUTES 1975 SUPPLEMENT

## OCCUPATIONS IN PROTECTION PUBLIC HEALTH 148.29

(5) Practice professional nursing in a manner prohibited by the board in any restriction of a license or registration issued under the provisions of sections 148.171 to 148.285;

(6) Practice professional nursing during the time his or her license or current registration issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked;

(7) Conduct a school of nursing for the training of persons to become registered nurses or professional nurses unless the school or course has been approved by the board.

[1975 c 360 s 11]

[For text of subd 2, see M.S.1974]

**148.282** [Repealed, 1975 c 360 s 25]

### **148.286 Nursing grants-in-aid.**

**Subdivision 1. Entitlement, use, amount.** The Minnesota board of nursing may award grants-in-aid to students attending a school of nursing in this state approved in accordance with the laws pertaining to registered nurses and licensed practical nurses. Such grants shall be awarded to those students who are residents of this state and who are in need of economic assistance in securing such nursing education, and shall be awarded on the basis of need and ability. These grants shall be used solely to defray tuition and other fees and expenses incidental to such nursing education. No student shall receive a grant of more than \$3,500. Two-thirds of the grant shall be available to the student in the first year of her course, and the remainder thereof shall be divided equally between the remaining years of the course, provided, however, that the practical nurse grant shall not exceed \$600 and shall be available to the student in the first year of her course.

[For text of subd 2, see M.S.1974]

**Subd. 3. Allocation; annual amount available.** Not less than one-third of the amount available for grants in each fiscal year shall be awarded for grants in approved schools, located in counties with a population of not exceeding 100,000 persons respectively. Provided, however, that at the end of six months of each fiscal year any amount remaining unallocated may be awarded for grants in any approved school in the state of Minnesota. Except for amounts that may be necessary to pay any grants which have been awarded and not completed or terminated, any unexpended balance of the appropriated sums shall revert to the state treasury at the close of the said fiscal years. Of the amounts appropriated, not more than \$6,000 thereof shall be used for administration in each of the fiscal years.

[1975 c 360 s 12,13]

### **148.29 Definitions.**

[For text of subd 1, see M.S.1974]

**Subd. 2. "Board"** means "Minnesota Board of Nursing," provided that one registered nurse who is a member of the Minnesota board of nursing, chosen by lot, shall not be a member of the licensed practical nurses board for purposes of this definition, and for the purposes of sections 148.29 to 148.297 and 148.299, five additional members shall be appointed by the governor, one of whom shall be a doctor of medicine duly licensed and registered in this state, one of whom shall be an administrator or superintendent of a licensed health care facility located outside of a city of the first class, and three of whom shall be duly licensed and registered practical nurses.

## 148.29 OCCUPATIONS IN PROTECTION PUBLIC HEALTH

On expiration of the term of a member the governor shall appoint a new member to hold office for a term of five years, commencing on July 1 next following the date of expiration of the former term. Members shall hold office until a successor is appointed and qualifies. No board members shall serve consecutive terms. On expiration of the term of a member who is a licensed practical nurse, the governor may appoint, from a list of members submitted by practical nursing groups, a licensed practical nurse to hold office for a term of five years. The list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a licensed practical nurse, may be filled for the unexpired terms by appointments to be made by the governor in the manner aforesaid.

On expiration of the term of a member who is a doctor of medicine or administrator or superintendent of a licensed health care facility, the governor may appoint, from a list of members submitted by appropriate professional societies, a doctor of medicine and administrator or superintendent of a health care facility to hold office for a term of five years each. The list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a doctor of medicine or administrator or superintendent of a health care facility, may be filled for the unexpired terms by appointments to be made by the governor in the manner aforesaid.

The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

(NOTE: Section 148.29, Subdivision 2, was also amended by Laws 1975, Chapter 136, Section 13, to read as follows:

"Subd. 2. "Board" means the board of licensed practical nursing which shall consist of the members of the board of nursing, provided that one registered nurse who is a member of the board of nursing, chosen by lot, shall not be a member of the board of licensed practical nursing for purposes of this definition, and for the purposes of sections 148.29 to 148.297 and Laws 1971, Chapter 418 only, five additional members shall be appointed by the governor, one of whom shall be a doctor of medicine duly licensed and registered in this state, one of whom shall be an administrator or superintendent of a licensed hospital located outside of a city of the first class, and three of whom shall be duly licensed and registered practical nurses.

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51.")

Subd. 3. "Licensed Practical Nurse," abbreviated L.P.N., means a person licensed by the board to practice practical nursing.

[1975 c 136 s 14; 1975 c 360 s 14]

[For text of subd 4, see M.S.1974]

### 148.291 Examinations.

**Subdivision 1. Qualifications.** An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence on a form provided by the board, verified by oath, that the applicant:

- (1) Is of good moral character;
- (2) Is in good mental health;
- (3) Meets secondary education requirements as determined by the board and any other preliminary qualification requirements as the board may prescribe by rule;
- (4) Has completed an approved course for the training of licensed practical nurses.

[For text of subds 2 and 3, see M.S.1974]

**Subd. 4. Fee.** The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of an amount determined by rule by the board

## OCCUPATIONS IN PROTECTION PUBLIC HEALTH 148.293

so that total fees collected by the board will as closely as possible equal anticipated expenditures. Any applicant applying for re-examination shall pay a fee of an amount determined in the same manner.

**Subd. 5.** [Repealed, 1975 c 360 s 25]

[1975 c 360 s 15,16]

### 148.292 Approved program.

**Subdivision 1. Approved school.** The board shall by rule set minimum standards for schools and courses preparing persons for licensing pursuant to sections 148.29 to 148.297 and 148.299, and cause the same to be written and filed with the executive director of the board. It may by rule amend said requirements pursuant to sections 148.29 to 148.297 and 148.299 from time to time and any such amendment shall also be written and filed with the executive director of the board. It shall conduct or provide for surveys of such schools and courses at such time as it may deem necessary. It shall approve such schools as in the opinion of the board, meet the requirements of this law and board rules. It shall evaluate and approve courses for affiliations. If at any time, the board determines that any approved school is not maintaining the standards required by this law and by the board, notice thereof in writing specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools.

**Subd. 2. New school.** An institution desiring to initiate a school to prepare persons for licensing pursuant to sections 148.29 to 148.297 and 148.299 shall apply to the board and submit evidence that it is prepared to meet the standards established by this law and by the board. Upon satisfactory proof that adequate preparation has been made to comply with the standards established by this law and by the board, the board shall approve the establishment of the school.

[1975 c 360 s 17]

### 148.293 Violations, exemptions.

**Subdivision 1.** It is unlawful for any person, corporation, or association to:

(1) Conduct a school of nursing for the training of persons to become licensed practical nurses unless the school is approved by the board.

(2) Use in connection with his or her name the words practical nurse, licensed practical nurse, or the letters "PN", "LPN", or any designation tending to imply that he or she is a practical nurse, or licensed practical nurse unless such person is licensed by the board.

(3) Practice practical nursing unless duly licensed and currently registered to do so under the provisions of sections 148.29 to 148.297 and 148.299.

(4) Sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein.

(5) Practice practical nursing under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

(6) Practice practical nursing in a manner prohibited by the board in any restriction of a license or registration issued under the provisions of sections 148.29 to 148.297 and 148.299.

(7) Practice practical nursing during the time his license or current registration issued under the provisions of sections 148.29 to 148.297 and 148.299 shall be suspended or revoked.

[1975 c 360 s 18]

[For text of subd 2, see M.S.1974]

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 148.294 OCCUPATIONS IN PROTECTION PUBLIC HEALTH

### 148.294 Registration.

**Subdivision 1. Annual registration.** Every licensed practical nurse shall register annually with the board for each calendar year and pay a fee on or before December 31 of the immediately preceding year; thereupon, the board shall issue a certificate of renewal registration. A penalty fee shall be added for renewal registration applications postmarked after December 31 of the immediately preceding year.

**Subd. 2. Failure to re-register.** A person licensed under the provisions of section 148.291 who fails to re-register within the period hereinbefore provided shall be deemed delinquent and shall not be entitled to practice nursing in this state as a licensed practical nurse, until an application for renewal registration has been filed with the board accompanied by a registration fee for each calendar year during which said applicant has been delinquent, up to a maximum stipulated by the board by rule, and a certificate of re-registration issued to such person.

[1975 c 360 s 19,20]

[For text of subds 3 and 4, see M.S.1974]

### 148.295 Allowable unlicensed practices.

The provisions of sections 148.29 to 148.297 shall not prohibit:

(1) The practice of practical nursing by any legally qualified licensed practical nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties;

(2) Under the direct supervision of a registered nurse, the practice of practical nursing by a graduate of a school of practical nursing approved by the board between the date of graduation and the date of notification to the graduate of the board action upon his application for licensure hereunder, provided that the graduate will take the first licensure examination following graduation and will be issued a permit by the board to engage in supervised practice. The permits shall not be renewable.

[1975 c 360 s 21]

### 148.296 Board; rules.

**Subdivision 1.** The board is authorized to adopt rules as may be necessary to effectuate the provisions of sections 148.29 to 148.297 and 148.299. It has power to issue subpoenas, and to compel the attendance of witnesses, and to administer oaths. It shall cause the prosecution of all persons violating sections 148.29 to 148.294 and 148.299.

**Subd. 2.** [Repealed, 1975 c 136 s 77]

[1975 c 360 s 22]

### 148.297 Revocation or suspension of license; notice, hearing.

**Subdivision 1.** The board shall have power pursuant to procedures specified in the administrative procedure act, unless otherwise permitted in this section, to deny, revoke, restrict or suspend the license and registration of any person to practice practical nursing issued by the board or applied for in accordance with the provisions of sections 148.29 to 148.294, or to otherwise discipline a licensee or applicant upon proof that the person:

(1) Has employed fraud or deceit in procuring or attempting to procure a license or annual registration for the practice of practical nursing;

(2) Has been convicted of a felony or gross misdemeanor;

(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

## OCCUPATIONS IN PROTECTION PUBLIC HEALTH 148.54

(5) Has, in his or her occupational capacity, exhibited behavior which creates an undue risk of harm to others;

(6) Is guilty of unethical practice of practical nursing;

(7) Has wilfully or repeatedly violated any of the provisions of sections 148.29 to 148.294.

Subd. 2. Before the board shall order any such suspension, restriction, disciplinary action or revocation it shall cause an investigation to be made. It shall issue a citation under its seal, signed by the executive director, directing the licensee to show cause on a day certain why his or her license and registration should not be suspended, restricted or revoked on the grounds specified therein. The licensee shall be given 20 days notice of the hearing. The board may without notice or hearing temporarily suspend the license and registration for not more than 30 days when any of the grounds of revocation, suspension or discipline designated in section 148.297, subdivision 1, are under investigation by the board, a citation has been issued by the board pursuant to this subdivision, and the board has determined that the practice of practical nursing by the person creates an imminent risk of harm to others. The board must schedule a hearing on a temporary suspension within ten days after the date of suspension. At any hearing under this section, the licensee is entitled to representation by counsel. A hearing officer may preside at the hearing and a stenographic record shall be kept of the proceedings. The action of the board hereunder affecting a license or registration is subject to review by the district court pursuant to sections 15.0424 to 15.0426.

Subd. 3. Any practical nurse whose license or registration has been suspended, restricted or revoked may have his license reinstated and a new registration issued when in the discretion of the board such action is warranted. The nurse may be required by the board to pay 50 percent of the costs of the proceedings resulting in the suspension or revocation of the license or registration certificate and reinstatement of the license or renewal certificate, and the fee for the current year's registration.

[1975 c 360 s 23]

### 148.298 Disposition of fees.

All fees charged and collected by the board shall be deposited in the general fund. The cost of administering sections 148.29 to 148.298 shall be paid from appropriations made to the board of nursing.

[1975 c 136 s 15]

### 148.299 Unauthorized practice of practical nursing.

The practice of practical nursing by a person who has not been licensed to practice practical nursing under the provisions of sections 148.29 to 148.299, or whose license or registration certificate has been denied, suspended or revoked, or has expired is declared to be inimical to the public health and welfare and to constitute a public nuisance. Upon complaint being made thereof by the board, or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where the practice occurred may enjoin the acts and practice. The injunction proceeding shall be in addition to, and not in lieu of, all other penalties and remedies provided by law.

[1975 c 360 s 24]

### 148.52 Board of optometry.

The board of optometry shall consist of two public members as defined for purposes of Laws 1973, Chapter 638 and five qualified optometrists appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

[1975 c 136 s 16]

### 148.54 Board; officers; seal.

## 148.54 OCCUPATIONS IN PROTECTION PUBLIC HEALTH

The board of optometry shall elect from among its members a president and may adopt a seal. An executive secretary or assistant may be employed who need not necessarily be a member of the board.

[1975 c 136 s 17]

### 148.55 Compensation of secretary; attorney; assistants; records.

For administrative and clerical services the secretary shall receive such compensation as the board may deem just and proper. The board may employ an attorney or other necessary assistants to aid in the enforcement of the provisions of sections 148.52 to 148.62, the attendant expense to be met from the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination or registration, which record shall be open for inspection.

[1975 c 136 s 18]

### 148.60 Disposal of fees.

All fees collected under sections 148.52 to 148.62 shall be received by the secretary and deposited together with any unexpended balance in a special fund of the board as of July 1, 1973 in the general fund. The secretary shall give such bond as the board shall from time to time require. The expenses of administering sections 148.52 to 148.62 shall be paid from appropriations made to the board of optometry.

[1975 c 136 s 19]

### 148.67 Examining committee.

The board of medical examiners shall appoint an examining committee in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The examining committee shall consist of five members, citizens and residents of the state of Minnesota, composed of three physical therapists, one licensed and registered doctor of medicine in the general practice of medicine, and one professor or associate or assistant professor from a course in physical therapy accredited by the state board of medical examiners.

[1975 c 136 s 20]

**148.68** [Repealed, 1975 c 136 s 77]

**148.69** [Repealed, 1975 c 136 s 77]

### 148.70 Applicants, qualifications.

It shall be the duty of the board of medical examiners to pass upon the qualifications of applicants for registration, provide for and conduct all examinations, determine the applicants who successfully pass examination, and duly register such applicants. A person who desires to be registered as a physical therapist and who

(a) is at least 18 years old;

(b) is of good moral character;

(c) has obtained a high school education or its equivalent as determined by the board, and

(d) has been graduated by a school of physical therapy approved by the board for training physical therapists, may make application on a form furnished by the board, for examination for registration as a physical therapist as defined in sections 148.65 to 148.78. In determining whether or not such approval shall be given, the board may take into consideration the approval or nonapproval of such schools by the appropriate council of the American Medical Association or of the Canadian Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. Such examination shall embrace the following subjects: the applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology,

## OCCUPATIONS IN PROTECTION PUBLIC HEALTH 148.95

psychology, physics, physical therapy, as defined in sections 148.65 to 148.78, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; and technical procedures in the practice of physical therapy as defined in sections 148.65 to 148.78, and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board \$15, no portion of which shall be returned.

[1975 c 136 s 21]

### 148.90 Board of examiners.

*[For text of subd 1, see M.S.1974]*

Subd. 2. The members of the board shall:

- (1) Be appointed by the governor;
- (2) Be residents of the state;
- (3) Serve for not more than two consecutive terms;
- (4) Designate the officers of the board, fix the compensation of its employees, employ such personnel as it deems necessary, and pursuant to chapter 15, prescribe such rules and regulations as may be necessary to enable it to carry into effect the provisions of Laws 1973, Chapter 685; and
- (5) Administer oaths pertaining to the business of the board.

Public members of the board shall broadly represent the public interest and shall not: (a) be members of health professions licensed by the state of Minnesota; (b) be a spouse, parent, child, or employee of a practicing psychologist or of a health professional licensed by the state of Minnesota; or (c) be persons who are or were before their retirement persons who were engaged on a full or part time basis in the practice of psychology.

Subd. 3. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

**Subd. 4.** [Repealed, 1975 c 136 s 77]

**Subd. 5.** [Repealed, 1975 c 136 s 77]

[1975 c 136 s 22,23]

### 148.95 Suspension and revocation.

Subdivision 1. The license of any consulting psychologist or psychologist may be suspended or revoked by the board upon proof that he has been guilty of unprofessional conduct as defined by the rules established by the board or has violated the code of ethics adopted by the board.

(1) No license shall be suspended or revoked or reprimand issued until after a hearing before the board. A notice of at least 30 days shall be served upon the licensee charged, either personally or by registered mail, stating the time and place of the hearing and setting forth the ground or grounds constituting the charges against him. The licensee is entitled to be heard in his defense and by counsel and may produce testimony and may testify in his own behalf. A record of the hearing shall be taken and presented. The hearing may be adjourned as necessary. If the licensee fails or refuses to appear, the board may proceed to hear and determine the charges in his absence. If he pleads guilty,

## 148.95 OCCUPATIONS IN PROTECTION PUBLIC HEALTH

or if upon hearing the charges, six members of the board find them to be true, the board may enter an order suspending or revoking the license or reprimanding him, as the case may be. The board shall record its findings and orders in writing.

(2) The board, through its chairman or vice chairman, may compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the state as in civil cases in the district court by subpoena issued over the signature of the chairman or vice chairman and the seal of the board. Upon request by an accused licensee and statement under oath that the testimony or evidence is reasonably necessary to his defense, the subpoena shall be served out of the district courts in this state and returned as a return in such case is made.

(3) For reasons it deems sufficient and upon a vote of six of its members, the board may restore a license which has been revoked, reduce a period of suspension or withdraw a reprimand.

[1975 c 136 s 24]

## CHAPTER 149. EMBALMERS

Sec.		Sec.	
149.02	Examination; licensing.	149.04	Renewal of license.
149.03	Applicants, qualifications; licensees from other states; apprentices and trainees.	149.08	Funeral establishment permit.

### 149.02 Examination; licensing.

The state board of health is hereby authorized and empowered to examine, upon submission of an application therefor and fee as prescribed by the board pursuant to section 144.122, all applicants for license to practice mortuary science or funeral directing and to determine whether or not the applicants possess the necessary qualifications to practice mortuary science or funeral directing. If upon examination the board shall determine that an applicant is properly qualified to practice mortuary science or funeral directing, it shall grant a license to the person to practice mortuary science or funeral directing. Licenses shall expire and be renewed as prescribed by the board pursuant to section 144.122.

On or after the thirty-first day of December, 1955, separate licenses as embalmer or funeral director shall not be issued, except that a license as funeral director shall be issued to those apprentices who have been registered under regulations of the board as apprentice funeral directors on the first day of July, 1955, qualify by examination for licensure under such regulations as funeral directors before the first day of August, 1957. Such applicants shall file an application for license as a funeral director in the manner as is required in section 149.03 for a license in mortuary science. It shall be accompanied by a fee in an amount prescribed by the board pursuant to section 144.122. However, a single license as a funeral director shall be issued to those persons whose custom, rites, or religious beliefs forbid the practice of embalming. An applicant for a single license as a funeral director under this exception shall submit to the board of health two affidavits substantiating the beliefs and convictions of the applicant and shall meet any other standards for licensure as are required by law or by regulation of the board. Such a funeral director shall only direct funerals for persons of his customs, rites or religious beliefs. In the case of a funeral conducted for persons of such customs, rites or religious beliefs where embalming and funeral directing is necessary according to law, such embalming and funeral directing shall be performed only by a person licensed to do so in this state.

All licensees who on the thirty-first day of December, 1955, hold licenses as embalmers only shall be granted licenses to practice mortuary science and may renew their licenses at the times and in the manner specified by the board pursuant to section 144.122.

All licensees who on the thirty-first day of December, 1955, hold licenses