

CHAPTER 31—S.F.No. 1016

An act relating to nursing; modifying definitions in the Minnesota Nurse Practicing Act; amending Minnesota Statutes 2012, sections 148.171, subdivisions 14, 15, by adding subdivisions; 148.271; repealing Minnesota Statutes 2012, section 148.171, subdivision 12; Minnesota Rules, part 6321.0100.

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

Section 1. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision to read:

Subd. 3a. **Assignment.** "Assignment" means the designation of nursing tasks or activities to be performed by another nurse or unlicensed assistive person.

Sec. 2. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision to read:

Subd. 7a. **Delegation.** "Delegation" means the transfer of authority to another nurse or competent, unlicensed assistive person to perform a specific nursing task or activity in a specific situation.

Sec. 3. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision to read:

Subd. 7b. **Intervention.** "Intervention" means any act or action, based upon clinical judgment and knowledge that a nurse performs to enhance the health outcome of a patient.

Sec. 4. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision to read:

Subd. 8a. **Monitoring.** "Monitoring" means the periodic inspection by a registered nurse or licensed practical nurse of a delegated or assigned nursing task or activity and includes: (1) watching during the performance of the task or activity; (2) periodic checking and tracking of the progress of the task or activity being performed; (3) updating a supervisor on the progress or completion of the task or activity performed; and (4) contacting a supervisor as needed for direction and consultation.

Sec. 5. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision to read:

Subd. 12a. **Patient.** "Patient" means a recipient of nursing care, including an individual, family, group, or community.

Sec. 6. Minnesota Statutes 2012, section 148.171, subdivision 14, is amended to read:

Subd. 14. **Practice of practical nursing.** The "practice of practical nursing" means the performance for, with or without compensation or personal profit of any of those services in observing and caring for the ill, injured, or infirm, in applying counsel and procedure to safeguard life and health, in administering medication and treatment prescribed by a licensed health professional, which are commonly performed by licensed practical nurses and which require specialized knowledge and skill such as are taught or acquired in an approved school of practical nursing, but which do not require the specialized education, knowledge, and skill of a registered nurse; that incorporates caring for individual patients in all settings through nursing standards recognized by the board at the direction of a registered nurse, advanced practice registered nurse, or other licensed health care provider and includes, but is not limited to:

(1) conducting a focused assessment of the health status of an individual patient through the collection and comparison of data to normal findings and the individual patient's current health status, and reporting changes and responses to interventions in an ongoing manner to a registered nurse or the appropriate licensed health care provider for delegated or assigned tasks or activities;

(2) participating with other health care providers in the development and modification of a plan of care;

(3) determining and implementing appropriate interventions within a nursing plan of care or when delegated or assigned by a registered nurse;

(4) implementing interventions that are delegated, ordered, or prescribed by a licensed health care provider;

(5) assigning nursing activities or tasks to other licensed practical nurses (LPNs);

(6) assigning and monitoring nursing tasks or activities to unlicensed assistive personnel;

(7) providing safe and effective nursing care delivery;

(8) promoting a safe and therapeutic environment;

(9) advocating for the best interests of individual patients;

(10) assisting in the evaluation of responses to interventions;

(11) collaborating and communicating with other health care providers;

(12) providing health care information to individual patients;

(13) providing input into the development of policies and procedures; and

(14) accountability for the quality of care delivered, recognizing the limits of knowledge and experience; addressing situations beyond the nurse's competency; and performing to the level of education, knowledge, and skill ordinarily expected of an individual who has completed an approved practical nursing education program described in section 148.211, subdivision 1.

Sec. 7. Minnesota Statutes 2012, section 148.171, subdivision 15, is amended to read:

Subd. 15. **Practice of professional nursing.** The "practice of professional nursing" means the performance for, with or without compensation or personal profit of the professional interpersonal service of: (1) providing a nursing assessment of the actual or potential health needs of individuals, families, or communities; (2) providing nursing care supportive to or restorative of life by functions such as skilled ministrations of nursing care, supervising and teaching nursing personnel, health teaching and counseling, case finding, and referral to other health resources; and (3) evaluating these actions. The practice of professional nursing includes both independent nursing functions and delegated medical functions which may be performed in collaboration with other health team members, or may be delegated by the professional nurse to other nursing personnel. Independent nursing function may also be performed autonomously. The practice of professional nursing requires that level of special education, knowledge, and skill ordinarily expected of an individual who has completed an approved professional nursing education program as described in section 148.211, subdivision 1. of those services that incorporates caring for all patients in all settings through nursing standards recognized by the board and includes, but is not limited to:

(1) providing a comprehensive assessment of the health status of a patient through the collection, analysis, and synthesis of data used to establish a health status baseline and plan of care, and address changes in a patient's condition;

(2) collaborating with the health care team to develop and coordinate an integrated plan of care;

- (3) developing nursing interventions to be integrated with the plan of care;
- (4) implementing nursing care through the execution of independent nursing interventions;
- (5) implementing interventions that are delegated, ordered, or prescribed by a licensed health care provider;
- (6) delegating nursing tasks or assigning nursing activities to implement the plan of care;
- (7) providing safe and effective nursing care;
- (8) promoting a safe and therapeutic environment;
- (9) advocating for the best interests of individual patients;
- (10) evaluating responses to interventions and the effectiveness of the plan of care;
- (11) collaborating and coordinating with other health care professionals in the management and implementation of care within and across care settings and communities;
- (12) providing health promotion, disease prevention, care coordination, and case finding;
- (13) designing and implementing teaching plans based on patient need, and evaluating their effectiveness;
- (14) participating in the development of health care policies, procedures, and systems;
- (15) managing, supervising, and evaluating the practice of nursing;
- (16) teaching the theory and practice of nursing; and
- (17) accountability for the quality of care delivered, recognizing the limits of knowledge and experience; addressing situations beyond the nurse's competency; and performing to the level of education, knowledge, and skill ordinarily expected of an individual who has completed an approved professional nursing education program as described in section 148.211, subdivision 1.

Sec. 8. Minnesota Statutes 2012, section 148.171, is amended by adding a subdivision to read:

Subd. 23. **Supervision.** "Supervision" means the guidance by a registered nurse in the accomplishment of a nursing task or activity. Supervision consists of monitoring, as well as establishing, the initial direction, delegating, setting expectations, directing activities and courses of action, evaluating, and changing a course of action.

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

Subd. 24. **Unlicensed assistive personnel.** "Unlicensed assistive personnel" (UAP) means any unlicensed person to whom nursing tasks or activities may be delegated or assigned, as approved by the board.

Sec. 10. Minnesota Statutes 2012, section 148.271, is amended to read:

148.271 EXEMPTIONS.

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 professional or practical nursing by any legally qualified registered or 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 official duties.

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

(4) The provision of a nursing or nursing-related service by ~~a nursing assistant~~ an unlicensed assistive person who has been delegated or assigned the specific function and is supervised by a registered nurse or monitored by a licensed practical nurse.

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

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

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

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

Sec. 11. **REPEALER.**

(a) Minnesota Statutes 2012, section 148.171, subdivision 12, is repealed.

(b) Minnesota Rules, part 6321.0100, is repealed.

Presented to the governor April 29, 2013

Signed by the governor May 1, 2013, 4:05 p.m.