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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1124

03/04/2013 Authored by Fritz; Atkins; Murphy, E.; Abeler and Huntley
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to nursing; modifying definitions in the Minnesota Nurse Practicing
1.3 Act; amending Minnesota Statutes 2012, sections 148.171, subdivisions 14, 15,
1.4 by adding subdivisions; 148.271; repealing Minnesota Statutes 2012, section
1.5 148.171, subdivision 12; Minnesota Rules, part 6321.0100.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 3.1 (6) assigning and monitoring nursing tasks or activities to unlicensed assistive
 3.2 personnel;
- 3.3 (7) providing for the maintenance of safe and effective nursing care delivery;
 3.4 (8) promoting a safe and therapeutic environment;
 3.5 (9) advocating for the best interests of individual patients;
 3.6 (10) assisting in the evaluation of responses to interventions;
 3.7 (11) collaborating and communicating with other health care providers;
 3.8 (12) providing health care information to individual patients;
 3.9 (13) providing input into the development of policies and procedures; and
 3.10 (14) accountability for the quality of care delivered, recognizing the limits of
 3.11 knowledge and experience; addressing situations beyond the nurse's competency; and
 3.12 performing to the level of education, knowledge, and skill ordinarily expected of an
 3.13 individual who has completed an approved practical nursing education program described
 3.14 in section 148.211, subdivision 1.

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

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

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

- 4.1 (2) collaborating with the health care team to develop and coordinate an integrated
4.2 plan of care;
- 4.3 (3) developing nursing interventions to be integrated with the plan of care;
- 4.4 (4) implementing nursing care through the execution of independent nursing
4.5 interventions;
- 4.6 (5) implementing interventions that are delegated, ordered, or prescribed by a
4.7 licensed health care provider;
- 4.8 (6) delegating nursing tasks or assigning nursing activities to implement the plan of
4.9 care;
- 4.10 (7) providing safe and effective nursing care;
- 4.11 (8) promoting a safe and therapeutic environment;
- 4.12 (9) advocating for the best interests of individual patients;
- 4.13 (10) evaluating responses to interventions and the effectiveness of the plan of care;
- 4.14 (11) collaborating and coordinating with other health care professionals in the
4.15 management and implementation of care within and across care settings and communities;
- 4.16 (12) providing health promotion, disease prevention, care coordination, and case
4.17 finding;
- 4.18 (13) designing, implementing, and evaluating the teaching plans based on patient
4.19 needs;
- 4.20 (14) participating in the development of health care policies, procedures, and systems;
- 4.21 (15) managing, supervising, and evaluating the practice of nursing;
- 4.22 (16) teaching the theory and practice of nursing; and
- 4.23 (17) accountability for the quality of care delivered, recognizing the limits of
4.24 knowledge and experience; addressing situations beyond the nurse's competency; and
4.25 performing to the level of education, knowledge, and skill ordinarily expected of an
4.26 individual who has completed an approved professional nursing education program as
4.27 described in section 148.211, subdivision 1.

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

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

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

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

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

5.7 **148.271 EXEMPTIONS.**

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

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

5.10 (2) The practice of professional or practical nursing by any legally qualified
5.11 registered or licensed practical nurse of another state who is employed by the United
5.12 States government or any bureau, division, or agency thereof while in the discharge of
5.13 official duties.

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

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

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

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

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

5.31 (8) Advanced practice registered nursing as defined in section 148.171, subdivisions
5.32 5, 10, 11, 13, and 21, by a registered nurse who is licensed and currently registered in
5.33 Minnesota or another United States jurisdiction and who is enrolled as a student in a
5.34 formal education program leading to eligibility for certification as an advanced practice
5.35 registered nurse; or by a registered nurse licensed and currently registered in Minnesota

6.1 who has completed an advanced practice registered nurse course of study and is awaiting
6.2 certification, the period not to exceed six months.

6.3 Sec. 11. **REPEALER.**

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

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

APPENDIX
Repealed Minnesota Statutes: 13-2274

148.171 DEFINITIONS; TITLE.

Subd. 12. **Nursing assistant.** "Nursing assistant" means an individual providing nursing or nursing-related services that do not require the specialized knowledge and skill of a nurse, at the direction of a nurse, but does not include a licensed health professional or an individual who volunteers to provide such services without monetary compensation.

APPENDIX
Repealed Minnesota Rule: 13-2274

6321.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to Minnesota Statutes, sections 148.171 to 148.285.

Subp. 2. **Monitoring.** "Monitoring" means the periodic inspection by a registered nurse or licensed practical nurse of a directed function or activity and includes watching during performance, checking, and tracking progress, updating a supervisor of progress or accomplishment by the person monitored, and contacting a supervisor as needed for direction and consultation.

Subp. 3. **Supervision.** "Supervision" means the guidance by a registered nurse for the accomplishment of a function or activity. The guidance consists of the activities included in monitoring as well as establishing the initial direction, delegating, setting expectations, directing activities and courses of action, critical watching, overseeing, evaluating, and changing a course of action.