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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3217

03/19/2014 Authored by Schoen

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act  
1.2 relating to commerce; defining certain unlawful trade practices; modifying  
1.3 certain regulations related to the practice of advanced practice nursing; amending  
1.4 Minnesota Statutes 2012, sections 148.171, subdivisions 5, 10, 11, 13, 21;  
1.5 148.235, subdivisions 2, 2a, 4, 4a, 4b; 325D.11; repealing Minnesota Statutes  
1.6 2012, sections 148.171, subdivision 6; 148.235, subdivision 6.

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

1.8 Section 1. Minnesota Statutes 2012, section 148.171, subdivision 5, is amended to read:

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

1.16 Sec. 2. Minnesota Statutes 2012, section 148.171, subdivision 10, is amended to read:

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

1.23 Sec. 3. Minnesota Statutes 2012, section 148.171, subdivision 11, is amended to read:

2.1 Subd. 11. **Nurse practitioner practice.** "Nurse practitioner practice" means,  
2.2 ~~within the context of collaborative management:~~ (1) diagnosing, directly managing, and  
2.3 preventing acute and chronic illness and disease; and (2) promoting wellness, including  
2.4 providing nonpharmacologic treatment. The certified nurse practitioner is certified for  
2.5 advanced registered nurse practice in a specific field of nurse practitioner practice.

2.6 Sec. 4. Minnesota Statutes 2012, section 148.171, subdivision 13, is amended to read:

2.7 Subd. 13. **Practice of advanced practice registered nursing.** The "practice of  
2.8 advanced practice registered nursing" means the performance of clinical nurse specialist  
2.9 practice, nurse-midwife practice, nurse practitioner practice, or registered nurse anesthetist  
2.10 practice as defined in subdivisions 5, 10, 11, and 21. The practice includes functioning as  
2.11 a direct care provider, case manager, consultant, educator, and researcher. The practice of  
2.12 advanced practice registered nursing also includes accepting referrals from, consulting  
2.13 with, cooperating with, or referring to all other types of health care providers, including  
2.14 but not limited to physicians, chiropractors, podiatrists, and dentists, provided that the  
2.15 advanced practice registered nurse and the other provider are practicing within their scopes  
2.16 of practice as defined in state law. ~~The advanced practice registered nurse must practice~~  
2.17 ~~within a health care system that provides for consultation, collaborative management, and~~  
2.18 ~~referral as indicated by the health status of the patient.~~

2.19 Sec. 5. Minnesota Statutes 2012, section 148.171, subdivision 21, is amended to read:

2.20 Subd. 21. **Registered nurse anesthetist practice.** "Registered nurse anesthetist  
2.21 practice" means the provision of anesthesia care and related services ~~within the context of~~  
2.22 ~~collaborative management,~~ including selecting, obtaining, and administering drugs and  
2.23 therapeutic devices to facilitate diagnostic, therapeutic, and surgical procedures upon  
2.24 request, assignment, or referral by a patient's physician, dentist, or podiatrist.

2.25 Sec. 6. Minnesota Statutes 2012, section 148.235, subdivision 2, is amended to read:

2.26 Subd. 2. **Certified nurse practitioners.** A certified nurse practitioner ~~who has a~~  
2.27 ~~written agreement with a physician based on standards established by the Minnesota~~  
2.28 ~~Nurses Association and the Minnesota Medical Association that defines the delegated~~  
2.29 ~~responsibilities related to the prescription of drugs and therapeutic devices,~~ may prescribe  
2.30 and administer drugs and therapeutic devices ~~within the scope of the written agreement~~  
2.31 ~~and within practice as a certified nurse practitioner. The written agreement required~~  
2.32 ~~under this subdivision shall be based on standards established by the Minnesota Nurses~~

3.1 ~~Association and the Minnesota Medical Association as of January 1, 1996, unless both~~  
3.2 ~~associations agree to revisions.~~

3.3 Sec. 7. Minnesota Statutes 2012, section 148.235, subdivision 2a, is amended to read:

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

3.10 Sec. 8. Minnesota Statutes 2012, section 148.235, subdivision 4, is amended to read:

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

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

3.30 Sec. 9. Minnesota Statutes 2012, section 148.235, subdivision 4a, is amended to read:

3.31 Subd. 4a. **Other certified clinical nurse specialists.** A certified clinical nurse  
3.32 specialist who: ~~(1)~~ has successfully completed no less than 30 hours of formal study from  
3.33 a college, university, or university health care institution, which included the following:

4.1 instruction in health assessment, medication classifications, indications, dosages,  
 4.2 contraindications, and side effects; supervised practice; and competence evaluation,  
 4.3 including evidence of the application of knowledge pertaining to prescribing for and  
 4.4 therapeutic management of the clinical type of patients in the certified clinical nurse  
 4.5 specialist's practice; ~~and (2) has a written agreement with a physician based on standards~~  
 4.6 ~~established by the Minnesota Nurses Association and the Minnesota Medical Association~~  
 4.7 ~~that defines the delegated responsibilities related to the prescription of drugs and~~  
 4.8 ~~therapeutic devices;~~ may prescribe and administer drugs and therapeutic devices within the  
 4.9 scope of the written agreement and within practice as a certified clinical nurse specialist.

4.10 Sec. 10. Minnesota Statutes 2012, section 148.235, subdivision 4b, is amended to read:

4.11 Subd. 4b. **Dispensing authority.** An advanced practice registered nurse who is  
 4.12 authorized under this section to prescribe drugs is authorized to dispense drugs subject to  
 4.13 the same requirements established for the prescribing of drugs. ~~This authority to dispense~~  
 4.14 ~~extends only to those drugs described in the written agreement entered into under this~~  
 4.15 ~~section.~~ The authority to dispense includes, but is not limited to, the authority to receive  
 4.16 and dispense sample drugs.

4.17 Sec. 11. Minnesota Statutes 2012, section 325D.11, is amended to read:

4.18 **325D.11 CERTAIN UNLAWFUL TRADE PRACTICES.**

4.19 (a) It shall be an unlawful trade practice for any seller or transferor of any goods,  
 4.20 wares, or merchandise to advertise, claim or imply that any sale or transfer of goods,  
 4.21 wares, or merchandise is a sale or transfer at wholesale, unless such sale or transfer is  
 4.22 made to a transferee for resale or is a sale of a substantial quantity of merchandise for  
 4.23 business use only.

4.24 (b) It shall be an unlawful trade practice for any profession to be allowed to control  
 4.25 the consumer public's access to another profession by requiring the profession to secure an  
 4.26 agreement or permission from the competing profession in order to serve the public.

4.27 Sec. 12. **REPEALER.**

4.28 Minnesota Statutes 2012, sections 148.171, subdivision 6; and 148.235, subdivision  
 4.29 6, are repealed.

**148.171 DEFINITIONS; TITLE.**

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

**148.235 PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.**

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