

CHAPTER 6305
BOARD OF NURSING
PROFESSIONAL AND PRACTICAL LICENSURE

6305.0100	DEFINITIONS.	6305.0400	REQUIREMENTS FOR LICENSURE BY EXAMINATION.
6305.0200	PURPOSE AND AUTHORITY.	6305.0500	REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.
6305.0300	AUTHORIZATION TO PRACTICE NURSING.	6305.0600	APPLICATION NULLIFICATION.

6305.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 6305.0100 to 6305.0700, the following terms have the meanings given them.

Subp. 1a. **Acceptable nursing practice.** "Acceptable nursing practice" means employment or volunteer nursing in any setting. Employment includes those positions for which the individual is required to be a nurse. For professional nursing practice, the practice must have included one or more of the functions defined in Minnesota Statutes, section 148.171, subdivision 15. For practical nursing practice, the practice must have included one or more of the functions defined in Minnesota Statutes, section 148.171, subdivision 14.

Subp. 2. **Affidavit of continuing education.** "Affidavit of continuing education" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all continuing education requirements for licensure.

Subp. 3. [Repealed, 18 SR 2195]

Subp. 4. **Affidavit of graduation.** "Affidavit of graduation" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all requirements for graduation.

Subp. 5. **Approved.** "Approved" means the status granted to a professional nursing program or a practical nursing program by a nurse licensing agency or other official governmental agency in a state or territory of the United States, a Canadian province or a foreign country.

Subp. 6. **Board.** "Board" means the Minnesota Board of Nursing.

Subp. 7. **Completion.** "Completion" means that the applicant has fulfilled all the requirements of a program and is eligible for a degree, diploma, or certificate.

Subp. 7a. **Disaster.** "Disaster" means an occurrence such as a tornado, storm, flood, high water, earthquake, drought, blizzard, pestilence, fire, explosion, building collapse, commercial transportation wreck, or other situation that causes human suffering or creates human needs that require substantial assistance and exceed the health care resources of the community.

Subp. 8. [Repealed, 18 SR 2195]

Subp. 9. [Repealed, 18 SR 2195]

Subp. 10. [Repealed, 18 SR 2195]

Subp. 11. **Jurisdiction.** "Jurisdiction" means a state or territory of the United States.

Subp. 12. **Graduation.** "Graduation" means completion of an approved nursing program.

Subp. 13. **License.** "License" means the document issued by the board to an individual who meets for the first time the requirements for practicing professional or practical nursing in Minnesota.

Subp. 14. **Licensure application.** "Licensure application" means the form supplied by the board used in applying for professional or practical nurse licensure.

6305.0100 PROFESSIONAL AND PRACTICAL LICENSURE

1110

Subp. 15. [Repealed, 15 SR 838]

Subp. 16. [Repealed, 15 SR 838]

Subp. 17. **Nursing ability.** "Nursing ability" means the mental and physical capacity and skill necessary to perform nursing actions.

Subp. 18. **Permit.** "Permit" means the document issued by the board that authorizes the practice of professional or practical nursing in Minnesota prior to final board action on the application for licensure.

Subp. 19. **Practical nursing program.** "Practical nursing program" means a program designed to prepare students for licensure as licensed practical nurses.

Subp. 20. **Professional nursing program.** "Professional nursing program" means a program designed to prepare students for licensure as registered nurses.

Subp. 21. **Program.** "Program" means an organized set of courses designed to prepare students to meet the nursing education requirements for licensure as practical or professional nurses.

Subp. 22. **Refresher course equivalent or equivalent.** "Refresher course equivalent" or "equivalent," when used to refer to a refresher course, means an educational activity that includes a clinical component and is used in lieu of a refresher course. Examples of equivalent activities are a preceptorship, an orientation program, a program of study leading to a degree in nursing, or a clinical course to enhance nursing skills in a clinical area.

Statutory Authority: *MS s 148.191; 148.211; 148.231; 148.271; 148.291; 148.295; 148.296*

History: *9 SR 765; 15 SR 838; 18 SR 2195; 22 SR 973; L 1999 c 172 s 18*

6305.0200 PURPOSE AND AUTHORITY.

Parts 6305.0100 to 6305.0700 are adopted pursuant to Minnesota Statutes, section 148.191. The parts pertain to the authorization to practice, the requirements for licensure by examination, the requirements for licensure without examination, and nullification of applications. Part 6305.0400 applies to applicants who have not passed an examination acceptable to the board. Part 6305.0500 applies to applicants who have passed an examination acceptable to the board.

Statutory Authority: *MS s 148.191; 148.211; 148.231; 148.271; 148.291; 148.295; 148.296*

History: *9 SR 765; 15 SR 838*

6305.0300 AUTHORIZATION TO PRACTICE NURSING.

Subpart 1. **Required authorization.** A Minnesota license and current registration certificate or a permit is required if an individual practices professional nursing as defined in Minnesota Statutes, section 148.171, subdivision 15, or practical nursing as defined in Minnesota Statutes, section 148.171, subdivision 14, whether for monetary compensation or as a volunteer, or if an individual is a faculty member for an out-of-state nursing or nursing assistant program and is supervising nursing students or nursing assistant students in Minnesota except as provided in Minnesota Statutes, section 148.271. If the permit is revoked or expires, whichever occurs first, an applicant must not practice nursing until a license has been issued.

Exceptions as identified in Minnesota Statutes, section 148.271, include the following:

A. Nursing assistance in an emergency as referenced in Minnesota Statutes, section 148.271, clause (1), is interpreted to include nursing service as follows:

(1) to patients during transport into, through, or out of Minnesota including during flights and while at airports or depots or during the period of stabilization in preparation for transport;

(2) for disaster relief during a period not to exceed seven days; and

MINNESOTA RULES 2011

1111

PROFESSIONAL AND PRACTICAL LICENSURE 6305.0300

(3) providing nursing services at the scene of an accident.

B. Formal, structured course of study as referenced in Minnesota Statutes, section 148.271, clause (6), is interpreted to mean that the course is sponsored by an educational institution or the educational department of a health care facility; has written, measurable objectives; has an organized plan of study which includes instructors and, when appropriate, clinical supervisors; uses a formalized method of evaluating student performance; and issues a document which verifies completion of the course.

C. Nursing program approved by the board as referenced in Minnesota Statutes, section 148.271, clause (7), is interpreted to include any nursing program in the United States or Canada which is approved by the state or province in which the program is located. However, the supervising instructor must hold a Minnesota registered nurse license and current registration.

Subp. 1a. **Authorized abbreviations.** The categories of nursing personnel listed below may use abbreviations as follows:

A. Public health nurse, abbreviated "PHN."

B. Registered nurse, abbreviated "RN," may only be used by a registered nurse who is currently registered in Minnesota or an applicant for licensure in Minnesota who holds a permit as authorized in subpart 9.

C. Licensed practical nurse, abbreviated "LPN," may only be used by a licensed practical nurse who is currently registered in Minnesota or an applicant for licensure in Minnesota who holds a permit as authorized in subpart 9.

D. Registered nurses and licensed practical nurses who are licensed in Minnesota but who are not currently registered may use the abbreviation "RN" and "LPN" respectively for personal identification provided it is not used for monetary gain.

E. Nursing assistants who are on the long-term care registry are nursing assistants/registered, abbreviated "NA/R."

Subp. 2. **License.** The board shall license an applicant to practice when the applicant has met all requirements of applicable statutes and rules. The license must bear the seal of the board, date of issue, license number, and type of licensure.

Subp. 3. **Duplicate original license.** Duplicate original licenses are not issued for any reason.

Subp. 4. **Eligibility for permit to practice nursing with direct supervision.** The board shall grant an applicant who is not the subject of a pending investigation or disciplinary action a permit to practice nursing under the direct supervision of a registered nurse if the applicant:

A. has not been licensed by examination in another jurisdiction;

B. applies for a permit to practice on a form obtained from the board;

C. has submitted the licensure application, licensure fee, permit fee, and affidavit of graduation or transcript. The affidavit of graduation or transcript must be received in the board office within 60 days following graduation;

D. has not had an application nullified;

E. has not had a permit revoked;

F. has not had a permit expire;

G. has graduated from an approved program as specified in part 6305.0400, subpart 4 or 5;

H. is eligible to take the examination; and

I. is taking the examination for the first time in a United States jurisdiction.

Subp. 5. **Required supervision.** An applicant who holds a permit to practice nursing with direct supervision must practice under the direct supervision of a registered nurse licensed and currently registered in Minnesota. There must be a registered nurse assigned to observe, direct, and evaluate the performance of the permit holder. A permit holder shall be able to identify at all times the registered nurse who is providing direct supervision. The registered nurse shall not be engaged in other activities that would prevent the registered nurse from providing direct supervision to the permit holder. The registered nurse providing the supervision shall be physically present on the unit or within the facility where the permit holder is practicing nursing. If the assigned responsibilities for a given shift require nursing abilities that have not been acquired by the permit holder and if the care to be provided involves a patient with severe or urgent conditions or a patient with an unstable condition, the registered nurse providing the supervision must be on the unit with the permit holder. If the assigned responsibilities for a given shift require nursing abilities that have been acquired by the permit holder and the care to be provided is simple and routine, the registered nurse providing the supervision must be in the facility with the permit holder. The permit holder shall not function in a position that requires supervision of other nursing personnel.

Subp. 6. **Permit to practice nursing without direct supervision.** The board shall grant an applicant who is not the subject of a pending investigation or disciplinary action a permit to practice nursing that does not require direct supervision if the applicant:

- A. submits the licensure application and licensure fee;
- B. is licensed in another jurisdiction or Canadian province by an examination acceptable to the board;
- C. applies for a permit to practice on a form obtained from the board;
- D. submits evidence of licensure and current eligibility to practice in another jurisdiction or Canadian province. Evidence of licensure and eligibility to practice may include, but is not limited to, a copy of the document from another jurisdiction or Canadian province that authorizes current practice, an official statement from another jurisdiction or Canadian province that the applicant is currently authorized to practice, or an official statement from another jurisdiction or Canadian province that the licensure examination was passed and that the applicant is authorized to practice pending licensure; and
- E. has graduated from a nursing program approved for the type of license for which the application has been submitted.

Subp. 7. **Length of permits.** The permit authorizing practice under the direct supervision of a registered nurse expires 60 days from the date of issue or upon the applicant's notification by the board of failure on the examination, whichever occurs first. The board may extend this permit if the applicant has come under investigation by the board after the issuance of the initial permit until the matter is resolved for the applicant.

The permit authorizing practice without direct supervision expires 12 months after the date of issue. The board may extend the permit if the applicant has come under investigation by the board after the issuance of the initial permit until the matter is resolved for the applicant.

Subp. 8. **Revocation of permit.** The board shall revoke a permit in the following situations.

- A. The board shall revoke a permit if the permit holder:
 - (1) has been notified of the results of the examination;
 - (2) is licensed by the board;
 - (3) did not write in another jurisdiction an examination acceptable to the board;
 - (4) did not pass an examination in another jurisdiction with a score acceptable to the board;

MINNESOTA RULES 2011

1113

PROFESSIONAL AND PRACTICAL LICENSURE 6305.0400

- (5) is not eligible for licensure; or
- (6) did not graduate.

B. The board may act to decide whether to revoke a permit if the board determines that:

- (1) an applicant for licensure by examination did not meet the graduation requirements in part 6305.0400, subpart 4 or 5;
- (2) an applicant for licensure without examination presented fraudulent evidence of licensure in another jurisdiction or Canadian province; or
- (3) an applicant has engaged in conduct which constitutes grounds for denial of a license.

Subp. 9. **Designated titles.** The permit holder who is an applicant for registered nurse licensure by examination shall use the title "graduate nurse," abbreviated "GN." The permit holder who is an applicant for registered nurse licensure without examination shall use the title registered nurse, abbreviated "RN." The permit holder who is an applicant for licensed practical nurse licensure by examination shall use the title "graduate practical nurse," abbreviated "GPN." The permit holder who is an applicant for licensed practical nurse licensure without examination shall use the title "licensed practical nurse," abbreviated "LPN."

Statutory Authority: *MS s 148.191; 148.211; 148.231; 148.271; 148.291; 148.295; 148.296*

History: *9 SR 765; 15 SR 838; 18 SR 2195; 22 SR 973; L 1999 c 172 s 18*

6305.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. **Licensure application.** An applicant shall obtain the application forms for licensure and instructions for filing from the board. An applicant shall respond to questions on the application that relate to the grounds for disciplinary action in Minnesota Statutes, section 148.261. An applicant shall submit true information. Falsification or omission of information provides grounds for disciplinary action. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant.

Subp. 2. [Repealed, 18 SR 2195]

Subp. 3. **Further evidence.** The board may require further information of the applicant in order to determine whether the applicant has engaged in conduct warranting disciplinary action as set forth in Minnesota Statutes, section 148.261.

Subp. 4. **Graduation from approved professional nursing program.** An applicant who has graduated from an approved professional nursing program is eligible for licensure as a registered nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided according to either item A or B.

- A. The learning activities involved patients in each of the following categories:
 - (1) newborn through 11 months;
 - (2) one year through 12 years;
 - (3) 18 years through 64 years;
 - (4) 65 years and older;
 - (5) healthy patients, such as patients in an uncomplicated maternity cycle or patients in need of health teaching;
 - (6) acutely ill patients suffering from an illness with a short and relatively severe course; and
 - (7) chronically ill patients suffering from an illness that persists over a long period of time.
- B. The learning activities involved patients in each of the following categories:
 - (1) patients having nursing care needs in all stages of illness;

(2) adults, including those over 65 years of age and children receiving medical and surgical therapy;

(3) patients having mental illness; and

(4) mothers and newborn infants in the maternity cycle.

Subp. 5. **Graduation from approved practical nursing program.** An applicant who has graduated from an approved practical nursing program is eligible for licensure as a licensed practical nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

A. The learning activities involved patients in each of the following categories:

(1) newborn through 11 months;

(2) one year through 12 years;

(3) 18 years through 64 years;

(4) 65 years and older;

(5) healthy patients, such as patients in an uncomplicated maternity cycle;

(6) acutely ill patients suffering from an illness with a short and relatively severe course; and

(7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

(1) children;

(2) mothers of newborn infants;

(3) newborn infants;

(4) adults with common illnesses;

(5) geriatric patients; and

(6) patients with mental and emotional problems.

Subp. 6. **Commission on Graduates of Foreign Nursing Schools Qualifying Examination.** The applicant who completed a nursing program in another country, except Canada, shall successfully complete the Commission on Graduates of Foreign Nursing Schools Qualifying Examination. The board must receive evidence of successful completion from the Commission on Graduates of Foreign Nursing Schools (CGFNS).

Until the Commission on Graduates of Foreign Nursing Schools Qualifying Examination is administered to practical nurse applicants, the applicant shall submit an evaluation of nursing education by the Credentials Evaluation Service of the Commission on Graduates of Foreign Nursing Schools. The board must receive verification from CGFNS that the applicant's education is comparable to the education required of individuals educated in the United States.

Subp. 7. **Resolution of educational deficiencies.** Any deficit in nursing education as outlined in subpart 4 or 5 must be made up prior to admission to the examination in one of the following ways:

A. The applicant must successfully complete a regular course or a course designed for an applicant that includes classroom instruction, clinical instruction, and evaluation of nursing ability in the area of deficit in an approved nursing program which prepares students for the type of licensure for which the applicant is applying.

B. If the deficit is a clinical instruction and evaluation of nursing ability deficit and not a classroom deficit, an applicant for registered nurse licensure must successfully complete 90 hours of clinical instruction including evaluation of nursing ability in the deficit area, and an applicant for licensed practical nurse licensure must successfully complete 65

MINNESOTA RULES 2011

1115

PROFESSIONAL AND PRACTICAL LICENSURE 6305.0400

hours of clinical instruction including evaluation of nursing ability in the deficit area. The clinical instruction including evaluation must be supervised by a registered nurse.

The applicant must submit evidence of having completed item A or B on an affidavit provided by the board and signed by all individuals responsible for the makeup activities.

Subp. 8. Affidavit of graduation or transcript. An affidavit of graduation or a transcript is required if an applicant graduated from an approved nursing program in a United States jurisdiction or Canadian province. If an applicant submits an affidavit of graduation, the affidavit must be completed and signed by an official of the nursing program or controlling institution and must bear the seal or stamp of the program or controlling institution. If the applicant submits a transcript, it must be an official transcript from the educational institution or nursing program that verifies that the applicant has graduated from the nursing program.

If the board finds after the examination has been taken that the affidavit of graduation was completed in error, the examination results shall not be released nor action taken on the application until the applicant has graduated. If graduation requirements are not met within 12 months after the application was submitted, the application will be nullified in accordance with part 6305.0600. If there is evidence that the applicant was aware of non-graduation status before the examination and did not inform the board, the matter may be handled through a disciplinary proceeding.

Subp. 9. [Repealed, 18 SR 2195]

Subp. 10. Fees. The board shall charge the following fees.

A. A licensure fee must be paid to the board and must be received before evaluation of an applicant's qualifications for examination and licensure.

B. A fee is required with the request to retake the examination and must be paid to the board and must be received before evaluation of an applicant's qualifications to retake the examination.

C. Personal checks are not accepted. Each remittance must be in the form of United States currency, cashier's check, or money order.

D. If for any reason a license is not issued, fees are not refundable.

E. The permit fee is \$50 and must be paid to the board.

Subp. 11. [Repealed, 18 SR 2195]

Subp. 12. Licensure examination. The licensure examinations are the examinations of the National Council of State Boards of Nursing, Inc. An applicant must receive a pass on the National Council Licensure Examination.

A. An applicant is eligible for an examination when the following have been received:

- (1) application for licensure;
- (2) fee for licensure;
- (3) affidavit of graduation or transcript;
- (4) when applicable, request to retake the examination and fee;
- (5) when applicable, verification of passing score on the CGFNS qualifying examination; and
- (6) when applicable, verification of comparable education.

B. The board will notify the applicant by mail when the applicant is eligible to take the examination. Placing the notice in first class United States mail, postage prepaid and addressed to the applicant's last known address constitutes official notification.

C. To take the examination, the applicant must meet all requirements of the test service of the National Council of State Boards of Nursing, Inc., including the payment of

6305.0400 PROFESSIONAL AND PRACTICAL LICENSURE

1116

fees, and, after receipt of an authorization to test, schedule the examination at one of the testing centers.

D. Official notification of the results of the examination shall be by first class United States mail, postage prepaid and addressed to the applicant's last known address.

E. An applicant who fails an examination and wants to retake the examination must notify the board on a form provided by the board. On the request to retake the examination, an applicant shall respond to questions that relate to the grounds for disciplinary action listed in Minnesota Statutes, section 148.261. The board may require further information of the applicant in order to determine whether the applicant has engaged in conduct warranting disciplinary action. An applicant must submit true information. Falsification or omission of information provides grounds for denial of a license. The request to retake the examination must be notarized. If the request is received without a fee, it shall be returned to the applicant. The board will notify the applicant by mail when the applicant is eligible to retake the examination. Placing the notice in first class United States mail, postage prepaid and addressed to the applicant's last known address, constitutes official notification.

Statutory Authority: *MS s 16A.128; 148.191; 148.211; 148.231; 148.271; 148.291; 148.295; 148.296; 214.12*

History: *9 SR 765; 11 SR 1331; 15 SR 838; 18 SR 2195; 24 SR 1884; 28 SR 218*

6305.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. **Proof of licensure in another jurisdiction or Canada.** To be licensed to practice nursing in Minnesota without writing an examination, an applicant must submit proof, on a form provided by the board, that the applicant is licensed in another jurisdiction or Canadian province and has passed an examination acceptable to the board as listed in subparts 11 and 12. Proof of licensure must be obtained from the jurisdiction or Canadian province in which the applicant wrote an acceptable examination as well as the jurisdiction or Canadian province in which the applicant was most recently employed. Proof of licensure must be obtained from the jurisdiction in which the applicant was first licensed, if this is different from the jurisdiction in which the applicant was licensed based on an acceptable examination.

Subp. 2. **Licensure application.** An applicant shall obtain the application forms and instructions for filing from the board. An applicant shall respond to questions on the application that relate to the grounds for disciplinary action listed in Minnesota Statutes, section 148.261. An applicant shall submit true information. Falsification or omission of any information provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant. Application for licensure begins on the date when an application and fee are received by the board.

Subp. 3. **Fee.** A licensure fee must be paid to the board and must be received before evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. **Further evidence.** The board may require further information of the applicant in order to determine whether the applicant has engaged in conduct warranting disciplinary action as set forth in Minnesota Statutes, section 148.261.

Subp. 5. **Graduation from approved nursing program.** An applicant who has graduated from an approved nursing program is eligible for licensure provided that the applicant can present evidence of graduation.

Subp. 6. **Waiver of graduation requirement.** The board shall waive the requirement of graduation from an approved nursing program if:

A. an applicant has been licensed by another jurisdiction or Canadian province based on requirements equivalent to the qualifications required in Minnesota at the time of the applicant's original licensure; or

MINNESOTA RULES 2011

1117

PROFESSIONAL AND PRACTICAL LICENSURE 6305.0500

B. an applicant for licensed practical nurse licensure has been licensed by another jurisdiction and passed an acceptable examination as specified in subpart 12 and has had at least 4,000 clock hours of employment as a licensed practical nurse in the 60 calendar months preceding application for licensure in Minnesota.

Subp. 7. **Current nursing education or acceptable nursing practice.** An applicant who has engaged in acceptable nursing practice as defined in part 6305.0100, subpart 1a, who has graduated from an approved nursing program, or who has completed a degree program with a major in nursing during the two years immediately preceding application for licensure is exempt from the continuing education requirements in subpart 8. Verification of acceptable nursing practice must be submitted to verify practice dates. If the applicant was employed by an institution or agency, an employer shall complete the verification. In lieu of an employer, a patient, volunteer supervisor, patient's family or physician, or peer can verify acceptable nursing practice. If the applicant supplies a written statement that verification cannot be obtained because the institution or agency no longer has the relevant records or the institution or agency has gone out of business, the last date of employment shall be accepted from the applicant. An affidavit of graduation or evidence from the nurse licensing agency in another jurisdiction or Canadian province must be submitted to verify the graduation date.

Subp. 8. **Continuing education.** An applicant who has not engaged in acceptable nursing practice within the two years preceding receipt by the board of the application for licensure must comply with items A to D.

A. The applicant must report the number of months since the last date of acceptable nursing practice.

B. The applicant must submit a verification of acceptable nursing practice. If the applicant was employed by an institution or agency, an employer shall complete the verification. In lieu of an employer, a patient, volunteer supervisor, patient's family or physician, or a peer may verify acceptable nursing practice. If the applicant supplies a written statement that verification cannot be obtained because the institution or agency no longer has the relevant records or the institution or agency has gone out of business, the last date of employment shall be accepted from the applicant.

C. The applicant must participate in and report participation in acceptable continuing education as specified in part 6310.2800, subparts 3, items A, B, C, E, and F, and 5. If the applicant has not engaged in acceptable nursing practice for ten years or more, the applicant must successfully complete a refresher course or refresher course equivalent as defined in part 6310.2600, subpart 9d. The refresher course or refresher course equivalent must include a clinical component. If the length of the refresher course or its equivalent is less than the hours required in item D, other acceptable continuing education must be completed to meet the hour requirement. The applicant shall participate in the continuing education or complete the refresher course or the refresher course equivalent within the 24 months immediately preceding board action on the application for licensure.

D. The applicant must complete the required number of contact hours of continuing education. The registered nurse must complete one contact hour of acceptable continuing education for each month that the applicant was not engaged in acceptable practice. The licensed practical nurse must complete one contact hour for every two months that the applicant was not engaged in acceptable practice. The maximum hours required are 150 hours for a registered nurse applicant and 75 hours for a licensed practical nurse applicant. The continuing education must be reported on the form provided by the board.

If the applicant is required to successfully complete a refresher course or its equivalent, the applicant shall report the successful completion of the refresher course or refresher course equivalent on an affidavit provided by the board. The affidavit must be signed by the refresher course provider, the preceptor, the instructor, an official of the nursing program, or the employer.

Subp. 9. **Clinical component permit to practice.** The applicant shall have a permit to practice to participate in the clinical component of a refresher course or its equivalent with the exception of degree granting programs. For the latter, a permit may be issued if it is required by the degree granting program. For the applicant who is not eligible for a permit based on current licensure in another United States jurisdiction, a permit shall be issued for use only in the refresher course or its equivalent. To obtain this permit, the applicant must submit the completed licensure application, fee, and a statement of intent to participate in a refresher course or refresher course equivalent. The statement of intent must be signed by the refresher course provider, the preceptor, the instructor, an official of the nursing program, or the employer. The statement of intent must contain the request for a permit. The board shall issue a permit after the application, fee, and statement of intent have been received and evaluated for compliance with this chapter. The board shall issue the permit for no more than 90 days. This permit is valid only for practice as a part of the refresher course or its equivalent. While the permit is in effect, the registered nurse may use the title registered nurse, abbreviated "RN," and a licensed practical nurse may use the title licensed practical nurse, abbreviated "LPN." If there is a delay in the completion of the clinical portion of the refresher course or its equivalent, the applicant shall return the expired permit and complete another statement of intent. The board shall issue another permit for no more than 90 days.

Subp. 10. **Affidavit of graduation.** An applicant must submit an affidavit of graduation, signed by an official of the nursing program and bearing the seal or stamp of the program. If an official school transcript is submitted, it shall be accepted in lieu of an affidavit of graduation. An affidavit is not required if the licensing authority in another jurisdiction or Canadian province verifies graduation from an approved program. If a licensed practical nurse applicant has not graduated from an approved program, the applicant shall send his or her employer a form supplied by the board for documentation of 4,000 clock hours of employment. The form must be completed by the employer and returned to the board. The board shall determine if the employment fulfills the requirement of Minnesota Statutes, section 148.211, subdivision 4.

Subp. 11. **Acceptable examinations for registered nurses.** The requirement of having passed a written examination acceptable to the board for registered nurse licensure is fulfilled if an applicant has:

- A. passed a state-constructed examination or the State Board Test Pool Examination for Registered Nurses (SBTPE-RN) before 1957;
- B. passed the SBTPE-RN after December 31, 1956, and before July 1, 1982, with a scaled score of at least 350 on each of the five parts;
- C. passed NCLEX-RN after June 30, 1982, and before February 1, 1989, with a scaled score of 1,600; or
- D. passed NCLEX-RN after January 31, 1989, with a designation of pass.

Subp. 12. **Acceptable examinations for practical nurses.** The requirement of having passed a written examination acceptable to the board for licensed practical nurse licensure is fulfilled if an applicant has:

- A. passed a state-constructed examination or the State Board Test Pool Examination for Practical Nurses (SBTPE-PN) before 1960;
- B. passed the SBTPE-PN after December 31, 1959, and before October 1, 1982;
- C. passed NCLEX-PN after September 30, 1982, and before October 1, 1988, with a scaled score of at least 350; or
- D. passed NCLEX-PN after September 30, 1988, with a designation of pass.

Subp. 13. **Insufficient score.** An applicant for licensure whose examination score does not meet the Minnesota score requirement in subpart 11 or 12 must successfully take the current examination for licensure. The applicant must meet the requirements in subpart 14.

MINNESOTA RULES 2011

1119

PROFESSIONAL AND PRACTICAL LICENSURE 6305.0700

Subp. 14. **Unacceptable examination.** An applicant for licensure who did not take an examination acceptable to the board must successfully take the current examination for licensure. The applicant must submit the application for licensure without examination, the licensure fee, a verification of licensure from the jurisdiction or Canadian province of original licensure, and a verification of licensure from the jurisdiction or Canadian province in which the applicant was most recently employed if this is different from the jurisdiction or Canadian province in which the applicant was licensed by examination. To take the examination, the applicant must meet all requirements of the test service of the National Council of State Boards of Nursing, Inc., including the payment of fees, and, after receipt of an authorization to test, schedule the examination at one of the testing centers. Passing the examination will be accepted in lieu of the requirements set out in subparts 7 and 8.

Statutory Authority: *MS s 16A.128; 62A.15; 147.235; 148.191; 148.211; 148.231; 148.271; 148.291; 148.295; 148.296; 214.06; 214.12; 332.50*

History: *9 SR 765; 11 SR 1331; 15 SR 838; 18 SR 468; 19 SR 2223; 20 SR 2429; 22 SR 973; 24 SR 1884; 28 SR 218*

6305.0600 APPLICATION NULLIFICATION.

Subpart 1. **Licensure by examination.** The board will nullify an application for licensure by examination if the applicant:

A. did not take the examination within one year following submission of a licensure application and fee; or

B. did not apply to retake the examination within eight months after the last examination failed and did not retake the examination within 12 months after the last examination failed.

The board will not nullify an application if it agrees on a different action during a disciplinary proceeding.

Subp. 2. **Licensure without examination.** The board will nullify an application for licensure without examination if the applicant fails to complete the application process within one year after submission of the application.

Subp. 3. **Destruction of application materials and forfeiture of fees.** For a nullified application, the fees shall be forfeited and the application and other documents may be destroyed according to the process specified in Minnesota Statutes, section 138.17, subdivision 7. If the applicant failed to submit the application and fees within one year after the board received any other documents relating to the application, the board may destroy the documents.

Subp. 4. **Reapplication.** If an individual whose application has been nullified wants to be licensed, a new licensure application must be submitted and all applicable licensure requirements must be met.

Statutory Authority: *MS s 148.191; 148.211; 148.231; 148.271; 148.291; 148.295; 148.296*

History: *9 SR 765; 15 SR 838; 18 SR 2195; 22 SR 973*

6305.0700 [Repealed, 18 SR 2195]