

**5224.0240 REGISTERED AND PRACTICAL NURSES.**

Subpart 1. **Definition.** Registered nurses are persons licensed as such pursuant to Minnesota Statutes. Practical nurses are persons licensed as such pursuant to Minnesota Statutes.

Subp. 2. **Independent contractor.** A nurse is an independent contractor if:

A. The nurse holds himself or herself out to the public as exercising an independent calling requiring specialized skills.

B. The nurse has full discretion in administering his or her professional services. Full discretion is present even though the nurse may be subject to the supervision of the attending physician.

C. The nurse is retained full time by the purchaser and the work relationship between the purchaser and the nurse is expected to terminate when the job is completed.

D. The nurse is not retained full time by a purchaser and the nurse is available to others for private duty nursing.

Subp. 3. **Employee.** A nurse who works for a hospital, clinic, nursing home, public health agency, or as an office attendant for a private physician is an employee if all the following criteria are substantially met.

A. The nurse works full time on the regular staff of the firm.

B. The nurse works for a salary and follows prescribed routines during fixed hours when he or she is not available for private duty nursing.

C. The nurse's services are integrated into the employer's business.

D. The employer has the right to set the order of and supervise the services.

**Statutory Authority:** *MS s 176.041; 176.83*

**History:** *10 SR 1852*

**Published Electronically:** *June 11, 2008*