

CHAPTER 148

OCCUPATIONS IN PROTECTION OF
PUBLIC HEALTH

148.181	Board of nursing; membership, appointments, vacancies, removals.	148.251	School of nursing.
148.211	Licensing.	148.271	Allowable unlicensed practices.
148.231	Task force; registration; non-practicing list.	148.291	Examination; licensing.
		148.294	Registration; fee for license verification.
		148.295	Allowable unlicensed practices.
		148.88	Citation.

148.181 BOARD OF NURSING; MEMBERSHIP, APPOINTMENTS, VACANCIES, REMOVALS.

[For text of subd 1, see M.S.1980]

Subd. 2. On expiration of the term of a member who is a registered nurse, the governor may appoint a registered nurse from a list of members submitted by professional nursing groups. Likewise on expiration of the term of a member who is a licensed practical nurse, the governor may appoint a licensed practical nurse from a list of members submitted by licensed practical nursing groups. These lists should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a registered nurse or a licensed practical nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by nursing groups in the manner aforesaid. Members shall hold office until a successor is appointed and qualified.

History: 1981 c 94 s 1

148.211 LICENSING.

Subdivision 1. An applicant for a license to practice as a registered nurse shall apply to the board for license by examination on forms prescribed by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed a course of study in a professional nursing program approved by the board or is enrolled in the final term of study in such program. The board shall annually publish and distribute to secondary school counselors the requirements for licensure for practice in Minnesota.

The applicant shall be required to pass a written examination in the subjects the board may determine. Each written examination may be supplemented by an oral or practical examination. An applicant failing to pass any portion of the examination shall be deemed to have failed the examination and may apply for re-examination in the subjects or sections failed.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the

MINNESOTA STATUTES 1981 SUPPLEMENT

examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to the applicant.

[For text of subd 2, see M.S.1980]

History: 1981 c 94 s 2

148.231 TASK FORCE; REGISTRATION; NON-PRACTICING LIST.

Subdivision 1. **Registration.** Every person licensed to practice professional nursing must also maintain with the board, a current registration for practice as a registered nurse which must be renewed at regular intervals stipulated by the board by rule. Upon adoption by the board of rules establishing procedures and minimum requirements for successful completion of specified continuing education as hereinafter provided, no certificate of registration shall be issued by the board to a nurse until he or she has submitted satisfactory evidence of compliance with the procedures and minimum requirements established by the board.

The fee for periodic registration for practice as a registered nurse shall be determined by the board by rule. A penalty fee shall be added for any application received after the required date as specified by the board by rule. Upon receipt of the application and the required fees, the board shall verify the application and the evidence of completion of continuing education requirements in effect, and thereupon issue to the applicant a certificate of registration for the next renewal period.

Subd. 2. [Repealed, 1981 c 94 s 12]

Subd. 4. **Failure to register.** Any person licensed under the provisions of sections 148.171 to 148.285 who fails to re-register within the period hereinbefore provided shall not be entitled to practice nursing in this state as a registered nurse.

Subd. 5. **Re-registration.** When a person desires to resume practice he or she shall make application for re-registration, and submit satisfactory evidence of compliance with the procedures and minimum requirements established by the board for continuing education, and pay the registration fee for the current period to the board. Thereupon, the registration certificate shall be issued to such applicant, and such person shall immediately be placed on the practicing list as a registered nurse.

Subd. 6. **Fee for license verification.** A person licensed under the provisions of sections 148.171 to 148.285 who requests the board to verify a Minnesota license to another jurisdiction or to an agency, facility, school or institution shall pay a fee to the board for each verification.

History: 1981 c 94 s 3-6

148.251 SCHOOL OF NURSING.

[For text of subds 1 to 3, see M.S.1980]

Subd. 4. Associate degree nursing programs approved or seeking to be approved by the board shall provide for advanced standing for licensed practical nurses in recognition of their nursing education and experience. The board shall adopt rules by July 1, 1982 to implement this section.

History: 1981 c 94 s 7

148.271 ALLOWABLE UNLICENSED PRACTICES.

The provisions of sections 148.171 to 148.285 shall not prohibit:

MINNESOTA STATUTES 1981 SUPPLEMENT

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

(2) The practice of nursing by any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties.

(3) Under the direct supervision of a registered nurse, the practice of nursing by a graduate of a school of professional nursing approved by the board between the date of graduation and the date of notification to the graduate of the board action upon his or her application for licensure hereunder, provided that the graduate will take the first examination for licensure hereunder following graduation given by the board and will be issued a permit by the board to engage in supervised practice of professional nursing while awaiting notification of the results of such examination. The board is authorized to issue permits to such graduates which shall permit the practice of professional nursing under direct supervision from the date of graduation until the date that the board shall notify the graduates of the results of their applications for registration conditioned upon the graduates making prompt application for registration and taking the first examination given by the board which they are eligible to take following graduation. These permits shall not be renewable.

(4) The practice of any profession or occupation licensed by the state, other than professional 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.

(5) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.

(6) The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the state of Minnesota pursuant to a temporary permit issued by the board of nursing which permit shall be issued by the board pursuant to rules as it may promulgate, for the period between the submission of a proper application for licensure by the person and the date of action upon the application by the board.

(7) The care of the sick, injured or infirm in a private home by any person who does not assume or represent to be a registered or professional nurse.

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

(9) The practice of nursing by a graduate of an approved professional nursing program in another jurisdiction provided the graduate has applied for licensure in the state of Minnesota by interstate endorsement and has written the first examination for licensure following graduation. Practice under this clause is allowable only under a temporary permit issued by the board which shall be issued pursuant to rules as the board may promulgate, and which shall be valid only for the period between submission of a proper application and completion of the examination by the person and the date of action upon the application by the board. The examination must be the same examination required of applicants for licensure by examination in Minnesota. The permit shall authorize the practice of nursing only under the direct supervision of a licensed professional nurse. The permit shall not be renewable.

History: 1981 c 94 s 8

148.291 EXAMINATION; LICENSING.

Subdivision 1. **Qualifications.** An applicant for a license to practice nursing as a licensed practical nurse shall apply to the board for examination on forms provided by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence, verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) meets secondary education requirements as determined by the board and any other preliminary qualification requirements the board may prescribe by rule, and (d) either has completed an approved course for the training of licensed practical nurses or is enrolled in the final term of study in such program. The board shall annually publish and distribute to secondary counselors the requirements for licensure for practice in Minnesota.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to such applicant.

[For text of subd 3, see M.S.1980]

History: 1981 c 94 s 9

148.294 REGISTRATION; FEE FOR LICENSE VERIFICATION.

Subdivision 1. **Current registration.** Every person licensed to practice practical nursing must also maintain with the board a current registration for practice as a licensed practical nurse which must be renewed at regular intervals stipulated by the board by rule.

The fee for periodic registration for practice as a licensed practical nurse shall be determined by the board by rule. A penalty fee shall be added for any application received after the required date as specified by the board by rule. Upon receipt of the application and the required fees, the board shall verify the application and thereupon issue to the applicant a certificate of registration for the next renewal period.

Subd. 2. **Failure to re-register.** Any person licensed under the provisions of sections 148.291 to 148.299 who fails to re-register within the period hereinbefore provided shall not be entitled to practice nursing in this state as a licensed practical nurse.

Subd. 3. **Re-registration.** When a person desires to resume practice he or she shall make application for re-registration and pay the registration fee for the current period to the board, and the registration certificate shall be issued to the applicant, and the person shall immediately be placed on the practicing list as a licensed practical nurse.

Subd. 4. **Fee for license verification.** A person licensed under the provisions of sections 148.29 to 148.299 who requests the board to verify a Minnesota license to another jurisdiction or to an agency, facility, school or institution shall pay a fee to the board for each verification.

History: 1981 c 94 s 10

148.295 ALLOWABLE UNLICENSED PRACTICES.

The provisions of sections 148.29 to 148.297 shall not prohibit:

(1) The practice of practical nursing by any legally qualified 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 his or her official duties;

(2) Under the direct supervision of a registered nurse, the practice of practical nursing by a graduate of a school of practical nursing approved by the board between the date of graduation and the date of notification to the graduate of the board action upon his or her application for licensure hereunder, provided that the graduate will take the first licensure examination following graduation and will be issued a permit by the board to engage in supervised practice. The permits shall not be renewable;

(3) The practice of practical nursing by a graduate of an approved practical nursing program in another jurisdiction provided the graduate has applied for licensure in the state of Minnesota by interstate endorsement and has written the first examination for licensure following graduation. Practice under this clause is allowable only under a temporary permit issued by the board which shall be issued pursuant to rules as the board may promulgate, and which shall be valid only for the period between submission of a proper application and completion of the examination by the person and the date of action upon the application by the board. The examination must be the same examination required of applicants for licensure by examination in Minnesota. The permit shall authorize the practice of nursing only under the direct supervision of a licensed professional nurse. The permit shall not be renewable; or

(4) The practice of practical nursing by a person licensed as a licensed practical nurse in another jurisdiction and qualified for licensure in the state of Minnesota. Practice under this clause is allowable only under a temporary permit issued by the board which shall be issued by the board pursuant to rules as the board may promulgate, and which shall be valid only for the period between the submission of a proper application for licensure by the person and the date of action upon the application by the board.

History: 1981 c 94 s 11

148.88 CITATION.

Sections 148.88 to 148.98 may be cited as the Minnesota licensing law for psychologists.

History: 1Sp1981 c 4 art 1 s 81