

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Joyce M. Schowalter, R.N., do hereby certify that I am the Executive Secretary of the Minnesota Board of Nursing, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the said Board of Nursing duly and properly called and held on the lst day of December, 1977; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, that the amendments to the rules relating to application, renewal and verification fees, licensure examinations, renewals, delinquencies and name change for professional nurses and practical nurses, identified as 7 MCAR §§ 5.1002-04, 5.1012, 5.1030, 5.1032-36, 5.1060-61, 5.1063, 5.1080, 5.1091, 5.2002-03, 5.2005, 5.2030-36, 5.2040, 5.2050-51, 5.2053, 5.2070 and 5.2082 which were considered at a public hearing held on the 8th day of September, 1977, are found to be reasonable, necessary and supported by the evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in the Board of Nursing by Minn. Stat. §§ 214.06 (1976), 15.0412 subd. 3 (Supp. 1977), 148.191, 148.211, 148.231, 148.294 (1976), and that Joyce M. Schowalter, R.N., Executive Secretary of the Board, be and hereby is authorized to sign an order adopting those rules.

BE IT FURTHER RESOLVED that the Report of Hearing Examiner be and hereby is adopted by the Board of Nursing as its own with the following changes:

a) In Finding of Fact No. 3 of the Report of the Hearing Examiner, dated October 18, 1977, it is stated that the Board mailed the Notice of Hearing to those registered with the Secretary of State, among others, on August 8, 1977. In order to correct a typographical error made in the Affidavit of Mailing and brought to the Board's attention by the Hearing Examiner, and to reflect the actual date of mailing the notice, the Board deletes Finding of Fact No. 3 of the Report of the Hearing Examiner, dated October 18, 1977. The Board substitutes in place of the deleted Finding and affirmatively adopts the following Finding of Fact:

> 3. On August 5, 1977, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

The defective Affidavit of Mailing inaccurately indicating an August 8 date of mailing is removed from the record and substituted with an accurate Affidavit of Mailing reflecting the correct date on which the Notice of Hearing was mailed to those registered with the Secretary of State, among others.

b) In Finding of Fact No. 4 of the Report of the Hearing Examiner, dated October 18, 1977, it is stated that on August 1, 1977, the Board filed documents with the Office of Hearing Examiners as required by Minn. Reg. HE 103. In order to correct a typographical error and to reflect the actual date these documents were filed with the Office of Hearing Examiners, the Board deletes Finding of Fact No. 4 of the Report of the Hearing Examiner dated October 18, 1977. The Board substitutes in its place and affirmatively adopts the following:

4. On August 11, 1977, the Board filed the following documents with the undersigned Hearing Examiner:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Statement of Need;
(f) The names of Agency personnel who will represent the Agency at the hearing; and
(g) A Statement summarizing the evidence to be presented at the hearing in support of the proposed rules entitled, "The Statement of Justification."

The foregoing documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of December, 1977.

STATE OF MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal and Verification fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

ORDER ADOPTING RULES

The above-entitled matter came on for public hearing on the 8th day of September, 1977, at 9:30 a.m., in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (1976) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, and having heard and considered all of the testimony and evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 7 MCAR §§ 5.1002-04, 5.1012, 5.1030, 5.1032-36, 5.1060-61, 5.1063, 5.1080, 5.1091, 5.2002-03, 5.2005, 5.2030-36, 5.2040, 5.2050-51, 5.2053, 5.2070 and 5.2082 relating to application, renewal and verification fees, licensure examinations, renewals, delinquencies and name change for professional nurses and practical nurses are adopted this 11th day of January, 1978, pursuant to authority vested in me by

Minn. Stat. § 214.04 subd. 3 (1976), and by resolution of the Minnesota Board of Nursing duly adopted at a meeting of the said Board on the 1st day of December, 1977.

STATE OF MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF NURSING

IN THE MATTER OF THE PROPOSED AMENDMENTS RELATING TO APPLICATION, RENEWAL AND VERIFICATION FEES, LICENSURE EXAMINATIONS, RENEWALS, DELINQUENCIES AND NAME CHANGE FOR PROFESSIONAL NURSES AND PRACTICAL NURSES.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 8, 1977, before Robert W. Herr, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Board of Nursing on October 18, 1977; and

WHEREAS, the Board of Nursing has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Board of Nursing has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Board of Nursing has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Board of Nursing has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 24th day
of January, 1978.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF NURSING

In the Matter of the Proposed Amendments Relating to Application, Renewal and Verification Fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Robert W. Herr of the Minnesota Office of Hearing Examiners at 9:30 a.m. on Thursday, September 8, 1977, at the Board Room of the Minnesota Department of Health Building, 717 Delaware Street, Southeast, Minneapolis, Minnesota, pursuant to an Order for Hearing issued on July 25, 1977, by Joyce Schowalter, R.N., Executive Secretary of the State of Minnesota, Board of Nursing (hereinafter "the Board").

Terry P. O'Brien, Special Assistant Attorney General, appeared as counsel for the Board. The Board panel consisted of Joyce Schowalter, R.N., Executive Secretary of the Board; Margaret Baach, Assistant Director of Nursing Education of the Board; and Sandra MacKenzie, Assistant Director of Nursing Licensure of the Board. The hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

No testimony was presented by any member of the public at the hearing. A written comment was, however, filed with the undersigned Hearing Examiner on August 22, 1977, by Miriam Hazzard, Director, A.D. Nursing Program, North Hennepin Community College.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Board shall, if it proposes to adopt the rules as

originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

PROCEDURAL REQUIREMENTS

1. On July 25, 1977, the Board filed the following documents with the Chief Hearing Examiner:

(a) Proposed Rule Revisions;
(b) Proposed Order for Hearing;
(c) Proposed Notice of Hearing; and
(d) Statement of Persons Expected to Attend, and Estimated Length of Time of Hearing.

2. On August 8, 1977, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 227.

3. On August 8, 1977, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On August 1, 1977, the Board filed the following documents with the undersigned Hearing Examiner:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Statement of Need;
(f) The names of Agency personnel who will represent the Agency at the hearing; and
(g) A Statement summarizing the evidence to be

presented at the hearing in support of the proposed rules entitled, "The Statement of Justification."

The foregoing documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of hearing.

5. The Board filed the Department of Finance Approval with the undersigned Hearing Examiner at the commencement of the hearing.

6. The record remained open through September 26, 1977, for the receipt of written statements or materials. No written statements were filed following the hearing.

STATUTORY AUTHORITY

7. The statutory authority of the Board to promulgate the proposed rules is contained in Minn. Stat. § 214.06, subd. 1, and Minn. Stat. § 148.91, subd. 2 (1976) and Minn. Laws 1977, ch. 433, § 2.

(a) Proposed amendments to §§ 5.1002, 5.1030, 5.1032, 5.1033, 5.1035, 5.1036, 5.2002, 5.2030, 5.2031, 5.2032, 5.2033, 5.2035 and 5.3026 increase or add fees pursuant to the authority of the Board under Minn. Stat. § 214.06, subd. 1 (1976).

(b) Proposed amendments to §§ 5.1003, 5.1004, 5.1012, 5.1030 5.1032, 5.1033, 5.1034, 5.1035, 5.1036, 5.2003, 5.2005, 5.2030, 5.2032, 5.2033, 5.2034 and 5.2035 set forth rules relating to the licensure, administration and grading of examinations, granting of temporary permits, licensure, and registration renewal, and approval of educational programs pursuant to the authority of the Board under Minn. Laws 1977, ch. 433, § 2.

(c) Proposed repeal of §§ 5.1060, 5.1061, 5.1063, 5.1080, 5.2050, 5.2051, 5.2053, 5.2070 and 5.2082 recognizes the Board's authority to prescribe standards for courses preparing persons for licensure pursuant to Minn. Stat. § 148.191, subd. 2 (1976). Accordingly, existing rules which deal with approval of specific schools offering

courses to prepare persons for licensure are repealed.

FEES

8. The Board proposes to amend §§ 5.1002 A. 3 and B. 3 (R.N. licensure fees), 5.1030 A. and D. (R.N. registration fees), 5.1032 A. (R.N. delinquent status fees), 5.1033 A. (R.N. non-practicing status fees), 5.1035 A. 4 and B. 3 (R.N. replacement documents), 5.1036 C. and D. (R.N. verification fees), 5.2002 A. 3 and B. 3 (L.P.N. licensure fees), 5.2030 A. (L.P.N. registration fees), 5.2031 (L.P.N. penalty), 5.2032 A. (L.P.N. delinquent status), 5.2033 A. (L.P.N. non-practicing status), 5.2035 A. 4 and B. 3 (L.P.N. replacement documents) and 5.2036 (L.P.N. verification fees) by establishing fees and increasing the amount of certain existing fees made payable to the Board. The need to adopt the proposed fees arises by way of the legislative mandate of Minn. Stat. § 214.06, subd. 1 (1976), which provides that:

> "all health related licensing boards may by rule, . . . adjust any fee which the Board is empowered to assess a sufficient amount so that the total fees collected by each Board will as closely as possible equal anticipated expenditures. Examination fees, if any, shall be set by rules so that the total amount of the annual examination fee income approximately meets the anticipated costs of administering the examinations...."

The proposed fee modifications are necessary to implement and make effective the provisions of Minn. Stat. § 214.06, subd. 1 (1976). The propriety and reasonableness of the fees is illustrated by the figures contained in Tables 1 and 2 contained in the Board's Statement of Evidence.

The rules as published did not include any change in § 5.1031, which deals with penalty fees for late renewal of registration of L.P.N.s. However, reference is made in proposed § 5.1032 A. to an increased penalty fee of $4.00. Following the hearing, the Board advised the undersigned Hearing Examiner by letter dated September 12, 1977, that in its view there was an irreconcilable conflict between §§ 5.1031 and 5.1032 A., and that a change at this stage in the penalty fees would constitute a major substantive change. Accordingly, the Board proposed that

proposed § 5.1032 A. be amended to state as follows:

> An applicant for renewal of registration, except if in non-practicing status, who failed to re-register in the previous year or years shall pay a delinquent fee of $4.00 for each year which he/she has been delinquent up to a maximum of $40.00 as well as the penalty fee of $2.00 and the renewal fee for the current period.

The penalty fee of $2.00 is consistent with current rule § 5.1031.

Department of Finance Approval was received for the fees proposed.

LICENSURE, EXAMS, TEMPORARY PERMITS, REGISTRATION RENEWAL AND APPROVAL OF EDUCATIONAL PROGRAMS

9. Proposed § 5.1003 B. established a method for identification to the public of individuals who have met the requirements to practice nursing under direct supervision. Such persons will have the title "Graduate Nurse." This rule is needed to clarify for permit holders and employers the acceptable manner in which such a person may be identified.

10. Proposed § 5.1004 amends examination and reexamination procedures and standards for Registered Nurse licensure and increases the time which an applicant has to complete all sections of the examination from 18 to 24 months. These proposed revisions are needed to provide clarification and specificity with respect to Board practices so that applicants may have advance knowledge of requirements including the specific examination used by the Board and the passing score.

11. Proposed § 5.1012 extends the time during which an applicant for licensure by interstate endorsement may practice professional nursing. The modification is necessary as the licensure documents from the state in which the individual has most recently been employed are not always received within the time limit specified by the existing rules.

12. Proposed § 5.1030 B., C. and E. specify the requirements for renewal of registration of Registered Nurses and is necessary to assure identification of renewal applicants, to streamline the application process and to permit the licensing section of the Minnesota Department of Health to spread out the processing work load for the various licensing boards.

13. Proposed § 5.1032 B. specifies the procedures for the re-registration of Registered Nurses whose licenses have been delinquent for five years or more, and is needed for the purpose of establishing the standards relating to competence for Registered Nurses who have been delinquent in registration for such a period of time.

14. Proposed § 5.1033 deals with Registered Nurses who have been in a non-practicing status for five years or more, and establishes the same standards for re-registration as established by § 5.1032 B. 1 through B. 5. As a result of an oversight of the Board in drafting § 5.1033, its proposed revision of § 5.1033 B. does not require Registered Nurses to submit a notarized form when seeking renewal registration following being in non-practicing status for five or more years. However, § 5.1032 B. requires Registered Nurses in delinquent status for five or more years to submit a notarized form when seeking re-registration. Similarly, proposed § 5.2032 and § 5.2033 require Licensed Practical Nurses to submit a notarized form when seeking re-registration following delinquent or non-practicing status, respectively. Following the hearing, the Board requested that a notarized form be required in proposed § 5.1033 B., suggesting that the rule read as follows:

> "Such evidence, <u>submitted on a notarized form</u>, may include any of the following which occurred within the five year period prior to the application for a current renewal certificate...."

The Board submitted the following argument on behalf of the change.

> "It is our opinion that the inclusion of the phrase underlined above is not a substantive change from the rules as published. The rule as now amended would not affect a class of persons not represented at the hearing; it does not go to a new subject matter of significant substantive effect; it does not make a major substantive change that was not raised by the original notice of hearing in such a way as to invite reaction at the hearing; nor does it result in a rule fundamentally different from that contained in the notice of hearing. To the contrary, had any person objected to the requirement of notarized forms, such person could have made an objection with regard to the requirement in those three similar rules where a notarized form is required. Furthermore, the inclusion of the

notarization form for R.N.s going from non-practicing status to active registration merely provides uniformity with those R.N.s going from delinquent status to active status and to L.P.N.s going from either delinquent or non-practicing status to active status registration...."

15. Proposed § 5.1034 establishes requirements and procedures with respect to change of name and address of Registered Nurses on various records and is needed in order to make clear to licensees their responsibilities in reporting name changes and address changes, to specify the procedures used in processing such changes and to safeguard the public against utilization of unauthorized certificates.

16. Proposed § 5.1035 specifies that duplicate licenses shall not be issued by the Board and specifies the procedure for obtaining replacement licenses. This rule is necessary to clarify the existing operating procedures of the Board with respect to replacement licenses, and to prevent the issuance of duplicate certificates which could result in the usage of one copy by an unauthorized person.

17. Proposed § 5.1036 specifies the procedure for verification of a Minnesota license in another jurisdiction in which a Registered Nurse wishes to be employed, and is needed in order to identify to the public the conditions under which verifications are issued by the Board.

18. Proposed § 5.2003 establishes examination and reexamination procedures and standards for Practical Nurse licensure similar to the procedures and standards established by § 5.1004 for Registered Nurses. This rule is necessary for the same reasons as set forth with respect to § 5.1004.

19. Proposed § 5.2005 establishes procedures with respect to permits to practice Practical Nursing and is similar to the proposed amendment to § 5.1003. This modification is necessary for the same reasons set forth with respect to the proposed modification of § 5.1003.

20. Proposed § 5.2030 establishes procedures for renewal of registration of Licensed Practical Nurses and is similar to

the proposed revision of § 5.1030. This rule is necessary for the same reasons as set forth above with respect to the proposed revision of § 5.1030.

21. Proposed § 5.2032 B. establishes a procedure for dealing with Licensed Practical Nurses who have failed to register with the Board, and whose license has been in a delinquent status for five years or more and establishes procedures and standards for the obtaining of a current renewal certificate. This proposal is similar to the proposal with respect to delinquent Registered Nurses, § 5.1032 B., and is necessary for the same reasons as set forth above with respect to proposed § 5.1032 B.

22. Proposed § 5.2033 B. establishes procedures relating to non-practicing status for Licensed Practical Nurses similar to those established by proposed § 5.1033 B. for Registered Nurses, and is necessary for the same reasons as set forth above with respect to proposed § 5.1033 B.

23. Proposed § 5.2034 deals with change of name and/or address of Licensed Practical Nurses, and is identical to proposed § 5.1034 and is necessary for the same reasons as set forth with respect to proposed § 5.1034.

24. Proposed § 5.2035 establishes procedures with respect to the obtaining of replacement documents for Licensed Practical Nurses, and prohibits the issuance of duplicate licenses for Licensed Practical Nurses. This proposed modification is identical to the proposed modification of § 5.1035, and is necessary for the same reasons as set forth above with respect to the proposal to modify § 5.1035.

25. Proposed § 5.2036 establishes a procedure for verification of Minnesota Licensed Practical Nurse licenses in other jurisdictions. This proposal is identical to the proposal with respect to verification of Minnesota Registered Nurse licenses, § 5.1036, and is necessary for the same reasons as set forth with respect to the modification of § 5.1036.

DEFINITIONS

26. The Board proposes to amend § 5.2040 to delete the reference to "Practical Nursing Law" contained in the definition of "Board." This change is necessary to reflect the fact that in 1975, the membership of the Board was changed to create a single Board which administers all sections of Minn. Stat. § 148.171 through Minn. Stat. § 148.299, subd. 6 (1976), and not merely the Practical Nursing Law.

27. The Board has proposed to repeal § 5.1060 B. through D. pertaining to controlling institutions in connection with Registered Nurse preparing programs, and § 5.2050 B. dealing with controlling institutions in connection with Licensed Practical Nurse preparing programs. Repeal of these rules is reasonable and necessary since the Board's jurisdiction for setting approval standards relates to the operation of the program preparing nurses for licensure and not to the operation of the entire educational institution, and the Board will, through the standards set forth in the various examinations required, be able to better determine whether a controlling institution offers a sound program of preparation for licensure.

28. The Board proposes to repeal §§ 5.1061 B. and 5.2051 B. dealing with the organization of faculty for Registered Nurse preparing programs and Licensed Practical Nurse controlling programs, respectively. Such repeal is reasonable and necessary for the same reasons as set forth with respect to repeal of §§ 5.1060 B. through D. and § 5.2050 B.

29. The Board proposes to repeal § 5.1063 A. and B. and § 5.2053 dealing with publications and communication of course fees in connection with R.N. preparing programs and L.P.N. preparing programs, respectively. These rules deal with publications of controlling institutions and should be repealed for the same reasons as set forth with respect to the proposed repeal of §§ 5.1060 B. through D. and § 5.2050 B.

30. The Board proposes to repeal §§ 5.1080 A. and B. and §§ 5.2070 A. through C. dealing with admission practices, selection

and advancement and educational preparation with respect to R.N. preparing programs and L.P.N. preparing programs, respectively. Repeal of these provisions is necessary for the same reasons as set forth at Finding of Fact No. 26 with respect to repeal of §§ 5.1060 B. through D. and § 5.2050 B. In addition, repeal of §§ 5.1080 and 5.2070 B. is reasonable as these provisions duplicate existing federal and state laws dealing with non-discrimination.

31. The Board proposes to repeal § 5.1091 A. 1 and A. 2. These rules are repetitive of §§ 5.1092 B. and 5.1092 B. 2 respectively, both of which will remain in effect.

32. The Board proposes to repeal the bulk of § 5.2082 dealing with curriculum plans for L.P.N. preparing programs. The deletion of the language of § 5.2082 describing the duties of licensed practical nurses is necessary as it is in conflict with the definition of practical nursing practice found in Minn. Stat. § 148.29, subd. 4. The balance of the rule should be repealed for the same reasons as set forth with respect to the repeal of §§ 5.1060 B. through D. and § 5.2050 B.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. The Board gave timely and adequate legal notice of the hearing in this matter, and other substantive and procedural requirements of statute and rule have been complied with by the Board in this matter.

2. The undersigned Hearing Examiner agrees with the position of the Board regarding amendment of proposed rule § 5.1032 A. to read as follows:

> An applicant for renewal of registration, except if in non-practicing status, who failed to re-register in the previous year or years shall pay a delinquent fee of $4.00 for each year which he/she has been delinquent up to a maximum of $40.00 as well as the penalty fee of $2.00 and the renewal fee for the current period.

Such amendment does not constitute a substantial change.

3. The Hearing Examiner agrees with the position of the Board regarding amendment of proposed rule § 5.1033 B. to read as follows:

> Such evidence, submitted on a notarized form may include any of the following which occurred within the five year period prior to the application for a current renewal certificate.

Such modification is not a substantial change of the rule as proposed.

4. The Hearing Examiner concludes that the Board has documented its statutory authority to promulgate the proposed rules.

5. The Hearing Examiner concludes that the Board has demonstrated the need for and the reasonableness of the proposed rules and the suggested amendments with respect to proposed rules §§ 5.1032 A. and 5.1033 B. with an affirmative presentation of facts.

Based upon the foregoing Findings of Fact and Conclusions, the undersigned Hearing Examiner makes the following:

RECOMMENDATION

It is recommended that the proposed rules, as recommended to be amended in this Report, be adopted by the Board of Nursing.

Dated: October 18, 1977.

ROBERT W. HERR
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal, and Verification Fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

DEPARTMENT OF FINANCE APPROVAL

Minn. Stat. §§ 148.211, 148.231, 148.291 and 148.294 (1976) authorize the Board of Nursing to establish fees for licensure applicants, and licensees renewing registration. Minn. Stat. § 214.06 subd. 1 (1976) states in relevant part that:

> . . . health related licensing boards . . . may by rule, with the approval of the commissioner of finance, adjust any fee which the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures. Examination fees, if any, shall be set by rule so that the total amount of annual examination fee income approximately meets anticipated costs of administering examinations.

The following proposed amendments specify fees for professional nurses:

1. 7 MCAR § 5.1002 specifies an application fee for licensure of sixty dollars ($60.00).

2. 7 MCAR § 5.1030 specifies a renewal fee of fifteen dollars ($15.00) for renewals on August 1, 1978 and thereafter.

3. 7 MCAR §§ 5.1032 and 5.1033 specify delinquency fees of four dollars ($4.00) per year up to a maximum of forty dollars ($40.00) and a penalty fee of four dollars ($4.00).

4. 7 MCAR § 5.1035 specifies a replacement license fee of five dollars ($5.00) and a verification of current registration renewal fee of three dollars ($3.00).

5. 7 MCAR § 5.1036 specifies a verification of licensure fee of five dollars ($5.00) and a transcript copy fee of three dollars ($3.00).

Proposed amendments to rules of the Minnesota Board of Nursing with regard to fees assessed for practical nurses are as follows:

1. 7 MCAR § 5.2002 specifies an application fee of forty dollars ($40.00).

2. 7 MCAR § 5.2030 specifies a renewal fee of seven dollars ($7.00) effective in 1978.

3. 7 MCAR § 5.2031 specifies a penalty fee of four dollars ($4.00).

4. 7 MCAR §§ 5.2032 and 5.2033 specify a delinquency fee of four dollars ($4.00) per year up to a maximum of forty dollars ($40.00).

5. 7 MCAR § 5.2035 specifies a replacement license fee of five dollars ($5.00) and a verification of current registration renewal fee of three dollars ($3.00).

6. 7 MCAR § 5.2036 specifies a verification of licensure fee of five dollars ($5.00) and a transcript copy fee of three dollars ($3.00).

Upon review of the supporting information justifying the need, reasonableness and amount of the fees listed hereinabove, and pursuant to the authority vested in the Minnesota Department of Finance by Minn. Stat. § 214.06 subd. 1 (1976) and Minn. Stat. §§ 16A.04 subd. 3 and 16A.07 subd. 4 (1976), the fees proposed in the above rules of the Board of Nursing rules are hereby approved.

GERALD W. CHRISTENSON
Commissioner

Dated: August 24, 1977

By _____
ALLEN A. YOZAMP
Budget, Planning and Control
Acting Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal, and Verification Fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

STATEMENT OF AGENCY PERSONNEL WHO WILL REPRESENT THE AGENCY AT THE HEARING AND WITNESSES WHO WILL APPEAR ON BEHALF OF THE AGENCY

The Minnesota Board of Nursing will be represented by Joyce M. Schowalter, its Executive Secretary, and Sandra MacKenzie and Margaret Baach, its Assistant Directors, and Terry P. O'Brien, Special Assistant Attorney General, in the above-captioned matter. Joyce M. Schowalter, Sandra MacKenzie and Margaret Baach are the only persons expected to offer testimony on behalf of the agency.

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

MINNESOTA BOARD OF NURSING

Statement of Justification

§ 5.1002 Application for licensure as a Registered Nurse.

A.3 proposes an increase in the licensure fee for applicants licensed by examination who graduated from a Minnesota nursing program. The increase is needed to balance as nearly as possible the projected costs of licensing including the examination during the next two fiscal years. The fee is reasonable as can be seen by examination of the attached tables. The anticipated cost per year is $135,007 and the anticipated income from 2,100 new licenses at $60 each is $126,000. The Board believed that any greater increase at this time was not warranted since other fees will be available to cover the difference. It should be noted that no change is being recommended in the fee for licensure by endorsement, thereby creating an income each year of approximately $6,000 more than anticipated costs.

B.3 proposes the same increased fee for licensing applicants by examination who graduated from an out-of-state nursing program. It is reasonable to change the same fee, since the same costs are incurred for these applicants as for Minnesota graduates.

§ 5.1003 Permit to practice professional nursing.

B. is needed to clarify for permit holders and employers the acceptable manner in which such a person may be identified. The Joint Commission on Accreditation of Hospitals requires that there be a method established to identify the authors of entries on the patient's record. The identification may include signatures and initials. Many health care facilities require identification to include job title. The title "graduate nurse" resolves the recording and identification problem. It identifies to the public individuals who have met the requirements to practice nursing under direct supervision. The title and letters are reasonable since they accurately describe the person's status and are clearly understood by the general public.

§ 5.1004 Examination and re-examination for registered nurse licensure. All proposed revisions are needed to provide clarification and specificity to Board practices so that applicants may have advanced knowledge of requirements.

A. is needed to clarify the specific examination used by Minnesota. The use of the State Board Test Pool Examination (SBTPE) is in conformance with Minn. Stat. § 214.03 requiring the use of national standardized tests.

The passing score of 350 has been used since 1957. It is reasonable since it is used by all states except Wisconsin which determines the passing score after each exam and uses the range 350 to 400. Interstate mobility is therefore enhanced. Experience since 1970 has shown that the percentage of graduates from Minnesota and other U.S. nursing programs who

attempt the licensing exam for the first time in Minnesota and pass on the first attempt is 93. See Table 3 attached for details.

B. is needed to state precisely the grounds used to determine whether or not a candidate has failed the examination. Since the examination has five sections and since each section tests different knowledge, it is reasonable to expect a passing grade in each section. The sections are medical nursing, surgical nursing, nursing of children, obstetrical nursing and psychiatric nursing.

C. is needed to make the requirement known to candidates. It is reasonable, since the requirement of anything greater would put an unfair burden on the candidate. No purpose would be served by requiring repeated demonstration of knowledge.

D. is needed to add additional specificity to an existing rule. The number of sections in the exam is to be deleted so that in the event that the number of sections changes, the Board will not be in the dilemna of complying with Minn. Stat. § 214.03 but having a contradictory rule.

The period of time is increased from 18 to 24 months so that all candidates throughout the year have the same opportunity to write the exam three times before being required to re-write all sections and present evidence of remedial assistance. The exams are administered in February and July in accordance with a schedule developed nationally. Presently individuals who take the test in February and fail may skip one writing of the examination and still have the opportunity to write three times within 18 months. This is not possible for those individuals who write and fail in July.

E. & F. is merely a re-ordering of a portion of old § 5.1004D and an amplification. Since December 1975 only 76 percent of the second writers and 50 percent of the third writers have passed. According to Bevis, Pressey and Robinson, half of what is taught in the science areas will be obsolete in two and one-half years and each year there is at least one-tenth more information generated. Further, it has been shown that 75 percent of what is memorized will be forgotten in two years. Thus remedial assistance continues to be justified. The specific content area of the remedial assistance is needed to assist the applicant to focus on their problem areas. The three listed (subject, test-taking skill and English language) are those found to cause failure most often.

G. & H. are merely re-ordering for clarity and logical sequence.

§ 5.1012 Permit to practice professional nursing (applicants for licensure by interstate endorsement).
The extension of time is necessary to allow the applicant to practice while waiting for the Board to process the application. The verification of licensure that must be received from the state of original licensure and the state in which the individual

has been most recently employed is not always received within the current 90 day limit. Neither the applicant nor the Board has control over the time period a given state may take to process a verification of licensure. Sometimes after a verification is received there may be problems such as omissions in information, discrepancies in information, or an indication that the license has been suspended or revoked. The current 90 day limit does not always provide sufficient time for correspondence with other Boards of Nursing, time for Board consideration of the applicant, or time to seek advice of legal counsel.

§ 5.1030 Renewal of registration (registered nurses).

A. is needed to provide assurance of the identification of renewal applicants and to prevent applications from being processed unnecessarily. Confusion has resulted in the past when a relative or friend has sent in the form and fee thinking they were being helpful. However, the licensee later notified the office that he/she intended to change to a non-practicing status and sought to have the fee refunded.

B. is needed as a preliminary step to requiring evidence of continuing education as a condition of registration renewal. There is no reason to justify renewal more frequently than every two years. This length is proposed because it corresponds with fiscal and reporting periods. The proposed beginning and ending dates are reasonable since they will allow the licensing section of the Minnesota Department of Health to spread out the processing work load for the various licensing boards. This proposal creates a renewal period separate from the license practical nurse renewal period, another means of equalizing the processing work load. Any further staggering of renewal periods appears unnecessary at this time and could lead to confusion among licensees and their employers.

C. is needed to provide legal protection to licensees during the transition from the present to the proposed renewal period.

D. is needed to establish the renewal fee. The amount is reasonable because it represents the amount needed from each of 31,500 registered nurse licensees to operate the agency but does not cover costs incurred in licensing or verification of licenses to other states. (See Tables 1 and 2) Past records show that agency expenditures of registered nurse-related activities amount to 70 percent of total expenditures.

E. is needed to accommodate individuals licensed by interstate endorsement. The three calendar months is reasonable since it encompasses the period between the mailing of renewal applications and the first day of the new renewal period. In the past there has been much displeasure expressed by new licensees who are expected to pay a renewal fee so soon after paying a licensing fee. In fact, persons licensed during this period feel they are being discriminated against. The license fees as proposed include an amount equivalent to about one-fourth of the renewal fee.

§ 5.1032 Delinquent status (registered nurses).

A. is needed and reasonable since the proposed increase in the delinquent fee should act as a deterent to failing to apply for renewal or non-practicing status. The proposed annual delinquent fee will cover the costs of special handling and processing of applications received more than a year after the expiration of a registration renewal certificate. The maximum delinquent fee is reasonable since it does not exceed the proposed licensure fee of $60.

B. is needed to fill an existing gap in the handling of persons who have not maintained an active license and have not applied for non-practicing status. The requirements proposed are the same as are currently applied to persons in the non-practicing status five years or more, but are made for specific based on experience with the existing non-practicing rule over the past one and one-half years.

B.1 is reasonable as proposed since employment in a registered nursing capacity may be assumed to indicate that the nurse has been able to demonstrate to an employer that he/she possessed at least a minimum level of nursing competence.

B.2 is reasonable because completion of one week of a course designed specifically to update the knowledge of a registered nurse will provide assurance that an instructor has observed the student. If the instructor becomes aware that the student lacks either knowledge or skill to perform safely, he/she could report the observation to the Board for further action. Since some refresher courses require that attendees hold an active license, it is not reasonable to expect completion of a course before issuing a current registration certificate.

B.3 is reasonable since it corresponds with the proposed requirements to maintain an active license. Applicants unaware of this rule could meet the requirements by attending only two all-day workshops or seminars, thus delaying their application very slightly.

B.4 is reasonable since one week of supervised learning is considered by most nursing instructors to be an adequate amount of time to judge the competency of a student.

B.5 is needed to provide flexibility and allow applicants to propose other similar methods of meeting the requirements.

§ 5.1033 Non-practicing status for registered nurses.

A. is necessary in order to revise the delinquent fee in accordance with that proposed in § 5.1032.

B. is needed for the same reasons as indicated for proposed rule § 5.1032. It is necessary for the Board to provide as much specific information as possible to applicants wishing to

change their licensure status from non-practicing to active.

B.1 is reasonable since many nurses who move to other states and practice in those states retain their Minnesota license on a non-practicing status during that same time.

B.2 is necessary to be certain that the student participated in nursing content classes as well as general orientation type classes.

B.3 is reasonable since the 15 clock hours may be obtained in a very short period, thus delaying action on an applicant's request by only a few days.

B.4 is reasonable since it will not create a hardship on a person who has obtained employment prior to requesting a change in licensure status.

B.5 is needed to provide flexibility and allow applicants to propose other similar methods of meeting the requirements.

§ 5.1034 Change of name on records (registered nurses).
The proposed rule changes are needed to provide greater clarification to licensees regarding the requirement for maintaining accurate licensure records. The system of regulation is only as good as the accuracy of each licensee's records.

A.1 is needed in order to make clear to licensees their responsibility in reporting name changes. Each licensee must be able to show a prospective employer a renewal certificate which bears a correct name.

A.2 is needed as a safe guard against the utilization of unauthorized certificates. If inaccurate certificates were not returned, they could be used by an untrained person. Such usage could result in misrepresentation and potential harm to patients. Since some incorrect certificates may be lost or otherwise unavailable, a written statement from the licensee is necessary to document the situation.

A.3 is needed to allow the Board to obtain copies of marriage licenses or other records of name changes whenever necessary to correctly identify a licensee. Since the changing of identification may be done for fraudulent purposes, the Board must be cognizant of the facts in each case and vigilant to prevent misrepresentation. Such representation could result in harm to the general public. This proposed rule is not new, merely a reordering for clarity.

B.1 is needed to notify licensees of their responsiblity in reporting address changes. Such reporting is vital to assure that applications for renewal certificates are mailed in a timely fashion. Written notification is necessary to prevent errors in verbal communication and to increase the efficiency of the staff in handling the changes.

B.2 is needed to specify the procedure used in processing address changes. It is reasonable to notify the licensee of changes made so that they may be confident that their records are correct. However, it is undesirable to issue corrected certificates because of the danger that multiple certificates issued to the same name could be in circulation. Licensees currently notify the office when addresses are changed but do not send back the current certificate. This proposed rule merely clarifies an existing procedure.

§ 5.1035 Duplicate and replacement documents for registered nurses. These rules are proposed as a clarification of the existing rules and are needed to identify the Board's operating procedures affecting licensees.

A.1 is reasonable since the issuance of duplicate licenses could result in the usage of one copy by an unauthorized and potentially harmful person.

A.2 is reasonable because all licensees should be able to use the original license as proof of licensure in this state. It is reasonable to expect certification of the fact that the original license was lost, stolen, or destroyed, since the license represents the acquisition of a legal right to practice and is not to be treated casually.

A.3 is appropriate as a method of identifying the fact that the newly issued license replaces a previous one.

A.4 is needed as a means of recovering the cost of processing the replacement. The exact cost will vary according to the time needed to process; however, all replacements will include the cost of staff time, the license and mailing. The proposed $5 fee is minimal.

B.1 is reasonable since the issuance of duplicate certificates could result in the usage of one copy by an unauthorized and potentially harmful person.

B.2 is needed so that the Board is able to maintain accurate records of certificates which potentially could be used by unauthorized persons. Evidence in writing is necessary to prevent the miscommunication which can occur when such information is transmitted orally.

B.3 is reasonable as a means of providing the licensee with a form of identification for the current renewal period. Since registration renewal certificates are issued through the Information Systems Division (ISD) of the Department of Administration via the Licensing Section of the Department of Health, it would be too cumbersome to go through the procedure of having a replacement certificate issued. Therefore, the proposal to issue a Verification of Current Registration through the Board office is reasonable as a means of rapidly handling requests from licensees. The fee is necessary as a means of recovering the costs of staff time in updating records and processing the request as well as the cost of supplies. Exact costs will vary. The costs to the state for processing any receipt probably make charges of less than $3 inadvisable.

B.4 is reasonable since licensees should not be penalized for delays or losses outside of their control.

§ 5.1036 Verification of Minnesota License (RN).

A. This rule is needed in order to identify to the public the conditions under which verifications are issued by the Board to agencies equivalent to the Board of Nursing. It is reasonable to require that the requests be written because each

licensing agency has a form for the specific purpose of receiving such verification. The receipt of the form is considered a written request when received directly from the licensee or submitted to the Minnesota Board by another licensing authority on behalf of the licensee. If verbal requests were honored, the process would be duplicative since a form would follow soon after.

B. is needed as a means of assuring an accurate record keeping system on each licensee. It is reasonable to expect licensees to keep their licensure status in good standing at all times. Because a non-practicing status is available for individuals not intending to practice in Minnesota, licensees wishing to clear the delinquent status by placing their license in the non-practicing status may do so by merely paying the fee as required in § 5.1033. Since a relatively small number of licensees allow their license to become delinquent each year (less than 100 of the 32,000 registered nurses renewed), this proposed rule will affect very few.

C. is needed to comply with Minn. Stat. § 214.06 and state the fees charged. No increase is proposed at this time. The amount is appropriate since about 1,850 RN and 550 LPN licenses are verified each year creating an income of about $12,000. Expenditures include 75 percent of a clerk-typist's time ($6,300); postage including notifications of required fee ($700); supplies, equipment, supervision and overhead ($5,000) totaling $12,000.

D. is needed to recover the cost of duplicating transcripts. The costs include staff time to locate old records, photocopy the transcript, certify it and mail it to the other licensing agency. Requests for transcripts seldom occur; however, when they do, they are for the records which are most difficult to locate. Occasionally a transcript may require a re-typing and require more staff time. There is no accurate means of estimating the actual costs, since the time spent searching for records is variable. However, it is reasonable to charge a relatively small fee for this additional service.

§ 5.1060 Controlling institution (RN preparing programs).

B. It is reasonable to repeal B since the Board's jurisdiction for setting approval standards relates to the operation of the program preparing nurses for licensure and not to the operation of the entire institution or its other programs. The remaining rules for approval of nursing programs specify the requirements for the nursing program curriculum, including supporting non-nursing courses, that are pertinent to the preparation of a licensed nurse. Recognition of the quality of the institution is a matter for determination by the authorities of the controlling institution and the nursing program faculty.

C. should be repealed since controlling institutions that are able to meet the requirements for approval of nursing programs specified in the remaining Board rules should be granted interim approval.

D. should be repealed since it is not usually possible for a controlling institution to guarantee the future support of one education program. If the nursing program is able to

maintain compliance with the remaining Board rules there will be evidence that the controlling institution supports a sound program.

§ 5.1061 Organization (RN preparing programs).

B. should be deleted because the factors involved in formulating, implementing and evaluating the curriculum which relate to the production of a graduate with the knowledge and skills prerequisite for application for licensure are regulated through the remaining Board rules for the approval of nursing programs. Neither the organization of the faculty nor the involvement of faculty members are necessarily influential factors in the formulation, implementation and evaluation of the curriculum.

§ 5.1063 Publications (RN preparing programs).

A. should be deleted because publication of information describing the curriculum in student related policies does not insure the production of a graduate with the knowledge and skills prerequisite to application for a nursing license. The remaining rules for approval of nursing programs specify the requirements for the curriculum that are pertinent to the preparation of a licensed nurse.

B. should be repealed since the communication of fees charged students has no relationship to the production of graduates with the knowledge and skills prerequisite to the application for a nursing license. This matter is one that should be determined by the controlling institution and, where necessary, other types of regulatory and consumer protection agencies.

§ 5.1080 Admission (RN preparing programs).

A. should be repealed because the congrugence of an institution's admission practices to its stated selection criteria does not necessarily have a direct bearing on the production of a graduate with the knowledge and skills prerequisite to the application for a nursing license. The remaining rules for approval of nursing programs specify the requirements for the nursing curriculum and graduation which are pertinent to the preparation of a licensed nurse. This matter is one that should be determined by the controlling institution and, where necessary, other types of regulatory and consumer protection agencies.

B. should be repealed because non-discrimination in the selection and advancement of students is safeguarded by the state and federal agencies charged with the administration of state and federal laws on non-discrimination. It is not necessary for the Board to duplicate the effort of other agencies, nor is it necessary for the Board to cause the controlling institution to file reports with an additional agency. Since this rule was promulgated in 1975 no cases of such non-discrimination have come to the Board's attention.

§ 5.1091 Curriculum development and objectives (RN preparing programs).

A. is merely a re-lettering.
Old A should be repealed because this rule is repetetive of the following rules which are being retained: § 5.1092 B1 "Nursing course objectives shall be consistent with the philosophy and goals of the program" and § 5.1092 B2 "Nursing course objectives shall be developed in behaviorial terms and shall identify the changes in behavior in the student as a result of the learning process."

A.1 should be repealed because part of this rule is repetetive of rule § 5.1092 B which is being retained and states "Nursing course objectives shall be developed by the nurse faculty members and shall be in writing." The remaining relevant rules require course objectives. Such objectives assure direction for the development and implementation of specific courses.

A.2 should be repealed because this rule is repetetive of § 5.1092 B2 which would remain in effect.

§ 5.2002 Application for licensure as a licensed practical nurse.

A.3 proposes an increase in the licensure fee for applicants licensed by examination who graduated from a Minnesota nursing program. The increase is needed to balance as nearly as possible the projected costs of licensing including the examination during the next two fiscal years. The fee is reasonable as can be seen by examination of the attached tables. The anticipated cost per year is $46,594 and the anticipated income from 1,200 new licensees at $40 each is $48,000. This is believed to be as close an appropriation of costs and fees as is practical.

B.3 proposes the same increased fee for licensing applicants by examination who graduated from an out-of-state nursing program. It is reasonable to change the same fee, since the same costs are incurred for these applicants as for Minnesota graduates.

§ 5.2003 Examination and re-examination for practical nurse licensure.
All proposed revisions are needed to provide clarification and specificity to Board practices so that applicants may have advanced knowledge of requirements.

A. is needed to clarify the specific examination used by Minnesota. The use of the State Board Test Pool Examination (SBTPE) is in conformance with Minn. Stat. § 214.03 requiring the use of national standardized tests.

The passing score of 400 has been used since 1969. Requiring a passing score of 400 is reasonable because the success rate of examination candidates for LPN licensure is similar to that of candidates for RN licensure when passing scores of 400 and 350 respectively are used. Table 4 shows that 94 percent of graduates from Minnesota and other states who took the examination for the first time passed during the

period January 1973 to January 1977. During a similar period 93 percent of candidates for registered nurse licensure passed. Minnesota is one of five states which requires a passing score higher than 350. Therefore it is reasonable to retain a passing score which provides a degree of assurance that registered nurses and licensed practical nurses licensed have met similarly rigorous standards and can provide the high quality of patient care for which Minnesotans are noted and which they have come to expect from all types of health care providers.

B. is needed to state precisely the grounds used to determine whether or not a candidate has failed the examination.

C. is needed to add additional specificity to an existing rule. The period of time is increased from 18 to 24 months so that all candidates throughout the year have the same opportunity to write the exam three times before being required to present evidence of remedial assistance and to be consistent with requirements for RN applicants. The exams are administered in April and October in accordance with a schedule developed nationally.

D. is merely a re-ordering of a portion of old § 5.2003D and an amplification. Since April 1976 only 42 percent of the second writers and none of the third writers have passed. According to Bevis, Pressey, and Robinson, half of what is taught in the science areas will be obsolete in two and one-half years and each year there is at least one-tenth more information generated. Further, it has been shown that 75 percent of what is memorized will be forgotten in two years. Thus remedial assistance continues to be justified. The specific content area of the remedial assistance is needed to assist the applicant to focus on his/her problem areas. The three listed (subject, test-taking skill and English language) are those found to cause failure most often.

E. & F. are merely re-ordering for clarity and logical sequence.

§ 5.2005 Permit to practice practical nursing.
This rule is needed to provide clarity to the 1975 statute which authorized the Board to issue permits to applicants for LPN licensure by examination [Minn. Stat. § 148.295 (2)]. The proposed parts of the rule are reasonable because they parallel a similar rule for RN applicants, § 5.1003.

A. is needed to provide a clear statement of the grounds on which a permit is issued. Since it rephrases but does not change the legal authority, it is reasonable.

B. is needed to specify the time period and conditions under which the permit shall be valid. Because persons practicing without valid permits could be charged with the unauthorized practice of nursing, this degree of clarity is needed.

C. is needed to clarify for permit holders and employers the acceptable manner in which such a person may be identified. The Joint Commission on Accreditation of Hospitals requires that there be a method established to identify the authors of entries on a patient's record. The identification may include signatures and initials. Many health care facilities require identification to include job titles. The title "graduate practical nurse" resolves the recording and identification problem. It identifies to the public individuals who have met the requirements to practice nursing under direct supervision. The title and letters are reasonable since they accurately describe the person's status and are clearly understood by the general public.

D. is needed and reasonable as a means of informing applicants of their responsibility. If a permit were not returned, it could be used by an unauthorized and untrained person who may cause harm to a patient.

§ 5.2030 Renewal of registration (licensed practical nurses).

A. is needed to increase the renewal fee. The amount is reasonable because it represents the amount needed from each of 13,500 practical nurse licensees to operate the agency but does not cover costs incurred in licensing or verification of licenses to other states. (See Tables 1 and 2) Past records show that agency expenditures of practical nurse-related activities amount to 30 percent of total expenditures.

B. is needed to accommodate individuals licensed by interstate endorsement and following the October examination. The three calendar months is reasonable since it encompasses the period between the mailing of renewal applications and the first day of the new renewal period. In the past there has been much displeasure expressed by new licensees who are expected to pay a renewal fee so soon after paying a licensing fee. In fact, persons licensed during this period feel they are being discriminated against. The license fees as proposed include an amount equivalent to about one-fourth of the renewal fee.

§ 5.2031 Penalty (licensed practical nurses).

The proposed increase in the penalty fee is reasonable, since the amount should act somewhat as a deterent to submitting the application for renewal and should recover the cost of special handling which are necessary when processing applications received after the deadline date.

§ 5.2032 Delinquent status (licensed practical nurses).

A. is needed and reasonable since the proposed increase in the delinquent fee should act as a deterent to failing to apply for renewal or non-practicing status. The proposed annual delinquent fee will recover the costs of special handling and processing of applications received more than a year after the expiration of a registration renewal certificate. The maximum delinquent fee is reasonable since it does not exceed the proposed licensure fee of $40.

B. is needed to fill an existing gap in the handling of persons who have not maintained an active license and have not applied for non-practicing status. The requirements proposed are the same as are currently applied to persons in the non-practicing status five years or more, but are made for specific based on experience with the existing non-practicing rule over the past one and one-half years.

B.1 is reasonable as proposed since employment in a practical nursing capacity may be assumed to indicate that the nurse has been able to demonstrate to an employer that he/she possessed at least a minimum level of nursing competence.

B.2 is reasonable because completion of one week of a course designed specifically to update the knowledge of a practical nurse will provide assurance that an instructor has observed the student. If the instructor becomes aware that the student lacks either knowledge or skill to perform safely, he/she could report the observation to the Board for further action. Since some refresher courses require that attendees hold an active license, it is not reasonable to expect completion of a course before issuing a current registration certificate.

B.3 is reasonable since it may be met by attending only two all-day workshops or seminars, thus delaying their application very slightly.

B.4 is reasonable since one week of supervised learning is considered by most nursing instructors to be an adequate amount of time to judge the competency of a student.

B.5 is needed to provide flexibility and allow applicants to propose other similar methods of meeting the requirements.

§ 5.2033 Nonpracticing status for licensed practical nurses.

A. is necessary in order to revise the delinquent fee in accordance with that proposed in § 5.2032.

B. is needed for the same reasons as indicated for proposed rule § 5.2032. It is necessary for the Board to provide as much specific information as possible to applicants wishing to change their licensure status from non-practicing to active.

B.1 is reasonable since many nurses who move to other states and practice in those states retain their Minnesota license on a non-practicing status during that same time.

B.2 is necessary to be certain that the student participated in nursing content classes as well as general orientation type classes.

B.3 is reasonable since the 15 clock hours may be obtained in a very short period, thus delaying action on an applicant's request by only a few days.

B.4 is reasonable since it will not create a hardship on a person who has obtained employment prior to requesting a change in licensure status.

B.5 is needed to provide flexibility and allow applicants to propose other similar methods of meeting the requirements.

§ 5.2034 Change of name on records (licensed practical nurses). The proposed rule changes are needed to provide greater clarification to licensees regarding the requirement for maintaining accurate licensure records. The system of regulation is only as good as the accuracy of each licensee's records.

A.1 is needed in order to make clear to licensees their responsibility in reporting name changes. Each licensee must be able to show a prospective employer a renewal certificate which bears a correct name.

A.2 is needed as a safe guard against the utilization of unauthorized certificates. If inaccurate certificates were not returned, they could be used by an untrained person. Such usage could result in misrepresentation and potential harm to patients. Since some incorrect certificates may be lost or otherwise unavailable, a written statement from the licensee is necessary to document the situation.

A.3 is needed to allow the Board to obtain copies of marriage licenses or other records of name changes whenever necessary to correctly identify a licensee. Since the changing of identification may be done for fraudulent purposes, the Board must be cognizant of the facts in each case and vigilant to prevent misrepresentation. Such representation could result in harm to the general public. This proposed rule is not new, merely a reordering for clarity.

B.1 is needed to notify licensees of their responsibility in reporting address changes. Such reporting is vital to assure that applications for renewal certificates are mailed in a timely fashion. Written notification is necessary to prevent errors in verbal communication and to increase the efficiency of the staff in handling the changes.

B.2 is needed to specify the procedure used in processing address changes. It is reasonable to notify the licensee of changes made so that they may be confident that their records are correct. However, it is undesirable to issue corrected certificates because of the danger that multiple certificates issued to the same name would be in circulation. Licensees currently notify the office when addresses are changed but do not send back the current certificate. This proposed rule merely clarifies an existing procedure.

§ 5.2035 Duplicate and replacement documents for licensed practical nurses. These rules are proposed as a clarification of the existing rules and are needed to identify the Board's operating procedures affecting licensees.

A.1 is reasonable since the issuance of duplicate licenses could result in the usage of one copy by an unauthorized and potentially harmful person.

A.2 is reasonable because all licensees should be able to use the original license as proof of licensure in this state. It is reasonable to expect certification of the fact that the original license was lost, stolen, or destroyed, since the license represents the acquisition of a legal right to practice and is not to be treated casually.

A.3 is appropriate as a method of identifying the fact that the newly issued license replaces a previous one.

A.4 is needed as a means of recovering the cost of processing the replacement. The exact cost will vary according to the time needed to process; however, all replacements will include the cost of staff time, the license and mailing. The proposed $5 fee is minimal.

B.1 is reasonable since the issuance of duplicate certificates could result in the usage of one copy by an unauthorized and potentially harmful person.

B.2 is needed so that the Board is able to maintain accurate records of certificates which potentially could be used by unauthorized persons. Evidence in writing is necessary to prevent the miscommunication which can occur when such information is transmitted orally.

B.3 is reasonable as a means of providing the licensee with a form of identification for the current renewal period. Since registration renewal certificates are issued through the Information Systems Division (ISD) of the Department of Administration via the Licensing Section of the Department of Health, it would be too cumbersome to go through the procedure of having a replacement certificate issued. Therefore, the proposal to issue a Verification of Current Registration through the Board office is reasonable as a means of rapidly handling requests from licensees. The fee is necessary as a means of recovering the costs of staff time in updating records and processing the request as well as the cost of supplies. Exact costs will vary. The costs to the state for processing any receipt probably make charges of less than $3 inadvisable.

B.4 is reasonable since licensees should not be penalized for delays or losses outside of their control.

§ 5.2036 Verification of Minnesota License (LPN).

A. This rule is needed in order to identify to the public the conditions under which verifications are issued by the Board to agencies equivalent to the Board of Nursing. It is reasonable to require that the requests be written because each licensing agency has a form for the specific purpose of receiving such verification. The receipt of the form is considered a written request when received directly from the licensee or submitted to the Minnesota Board by another licensing authority on behalf of the licensee. If verbal requests were honored, the process would be duplicative, since a form would follow soon after.

B. is needed as a means of assuring an accurate record keeping system on each licensee. It is reasonable to expect licensees to keep their licensure status in good standing at all times. Because a non-practicing status is available for individuals not intending to practice in Minnesota, licensees wishing to clear the delinquent status by placing their license in the

non-practicing status may do so by merely paying the fee as required in § 5.2033. Since a relatively small number of licensees allow their license to become delinquent each year (less than 50 of the 13,000 licensed practical nurses renewed), this proposed rule will affect very few.

C. is needed to comply with Minn. Stat. § 214.06 and state the fees charged. No increase is proposed at this time. The amount is appropriate, since about 1,850 RN and 550 LPN licenses are verified each year creating an income of about $12,000. Expenditures include 75 percent of a clerk-typist's time ($6,300); postage including notifications of required fee ($700); supplies, equipment, supervision and overhead ($5,000) totaling $12,000.

D. is needed to recover the cost of duplicating transcripts. The costs include staff time to locate old records, photocopy the transcript, certify it and mail it to the other licensing agency. Requests for transcripts seldom occur; however, when they do, they are for the records which are most difficult to locate. Occasionally a transcript may require a re-typing and require more staff time. There is no accurate means of estimating the actual costs, since the time spent searching for records is variable. However, it is reasonable to charge a relatively small fee for this additional service.

§ 5.2040 Definitions.

B. is needed to bring the definition in line with the law. In 1975 the membership of the Board of Nursing was changed to create a single Board which administers all sections of Minn. Stat. § 148.171 through 148.299 (1976).

§ 5.2050 Controlling institution (LPN preparing programs).

B. should be repealed since it is not usually possible for a controlling institution to guarantee the future support of one education program. If the nursing program is able to maintain compliance with the remaining Board rules there will be evidence that the controlling institution supports a sound program.

§ 5.2051 Organization (LPN preparing programs).

B. should be deleted because the factors involved in formulating, implementing and evaluating the curriculum which relate to the production of a graduate with the knowledge and skills prerequisite for application for licensure are regulated through the remaining Board rules for the approval of nursing programs. Neither the organization of the faculty nor the involvement of faculty members are necessarily influential factors in the formulation, implementation and evaluation of the curriculum.

§ 5.2053 Publications (LPN preparing programs).

A. should be deleted because publication of information describing the curriculum in student related policies does not insure the production of a graduate with the knowledge and skills prerequisite to application for a nursing license. The remaining rules for approval of nursing programs specify the requirements for the curriculum that are pertinent to the

preparation of a licensed nurse.

B. should be repealed since the communication of fees charged students has no relationship to the production of graduates with the knowledge and skills prerequisite to the application for a nursing license. This matter is one that should be determined by the controlling institution and, where necessary, other types of regulatory and consumer protection agencies.

§ 5.2070 Selection and admission (LPN preparing programs).

A. should be repealed because the congrugence of an institution's admission practices to its stated selection criteria does not necessarily have a direct bearing on the production of a graduate with the knowledge and skills prerequisite to the application for a nursing license. The remaining rules for approval of nursing programs specify the requirements for the nursing curriculum and graduation which are pertinent to the preparation of a licensed nurse. This matter is one that should be determined by the controlling institution and, where necessary, other types of regulatory and consumer protection agencies.

B. should be repealed because non-discrimination in the selection and advancement of students is safeguarded by the state and federal agencies charged with the administration of state and federal laws on non-discrimination. It is not necessary for the Board to duplicate the effort of other agencies, nor is it necessary for the Board to cause the controlling institution to file reports with an additional agency. Since this rule was promulgated in 1975 no cases of such non-discrimination have come to the Board's attention.

C. should be repealed because it is a rule which establishes licensure requirements and licensure requirements are not appropriately included in program approval rules. Pursuant to Minn. Stat. § 148.291 subdivision 1 secondary education requirements for licensure may be determined by the Board by rule. The Board should not have rules which restrict students from entering nursing programs.

§ 5.2082 Curriculum plan (LPN preparing programs).

The deletion of the second sentence in the unlettered paragraph is necessary as it is in conflict with the legal definition of practical nursing practice found in Minn. Stat. § 148.29 subdivision 4. The definition does not require the guidance and supervision of a registered nurse or physician in every aspect of nursing care.

A. should be deleted since according to Pittenger and Gooding in Learning Theories in Educational Practice no two persons seek meaning to experience in exactly the same manner. The faculty of the nursing program should be free to sequence curriculum content in ways that would best accommodate the learning styles and needs of students.

B. should be repealed since the faculty of the nursing program should be free to integrate curriculum content in ways that would best accommodate learning styles and needs of students.
C. should be deleted since the currency of application of theory in this rule is repetitive of § 5.2083C and 5.2084D and C which are being retained.
D. should be repealed since it is not feasible to determine whether or not a curriculum plan reflects program objectives in a way that is meaningful to each teacher and student.

Table 1

MINNESOTA BOARD OF NURSING

Projected Costs - Fiscal Year 1979

Code	Item	Budget	Licensing Costs						Other Agency Costs			
					RN			LPN				
			Percent of Budget	Amount[1]	Exam[2]	End.	Exam[3]	End.	Percent of Budget	Amount[4]	RN	LPN
1-9	Personnel	$293,548	30	$ 88,064	43,151	18,494	21,135	5,284	70	$ 205,484	$ 143,839	$ 61,645
04	Board per diem	5,005	10	500	245	105	120	30	90	4,505	2,703	1,802
10	MDH Space	8,316	35	2,911	1,426	612	699	174	65	5,405	3,784	1,621
	Exam Space	13,380	100	13,380	9,366	0	4,014	0	0	0	0	0
	Other Rents	100	0	0	0	0	0	0	100	100	70	30
11	Advertising	25	0	0	0	0	0	0	100	25	18	7
12	Repair Service	750	30	225	110	47	54	14	70	525	368	157
14	Printing	7,000	40	2,800	1,372	588	672	168	60	4,200	2,940	1,260
15	Non-st. empl. service	3,900	0	0	0	0	0	0	100	3,900	2,730	1,170
	Proctors	13,680	100	13,680	9,120	0	4,560	0	0	0	0	0
16	Exams	70,900	100	70,900	60,410	0	10,490	0	0	0	0	[redacted]
	St. register	4,800	10	480	235	101	115	29	90	4,320	3,024	1,29[redacted]
	Legal Costs	47,776	10	4,778	2,341	1,004	1,146	287	90	42,998	30,099	12,899
	Licensing Serv.	18,000	0	0	0	0	0	0	100	18,000	12,600	5,400
17	EDP & syst.serv.	200	30	60	29	13	14	4	70	140	98	42
	Renewals	21,640	0	0	0	0	0	0	100	21,640	15,148	6,492
20	Communications	17,630	50	8,815	4,319	1,852	2,115	529	50	8,815	6,171	2,644
	Renewals	14,957	0	0	0	0	0	0	100	14,957	10,470	4,487
21	Travel-in-state	14,400	10	1,440	706	302	346	86	90	12,960	9,072	3,888
22	Travel-out-of state	4,300	10	430	211	90	103	26	90	3,870	2,709	1,161
26	Shipping	1,500	100	1,500	975	0	525	0	0	0	0	0
29	Other cont. service	400	0	0	0	0	0	0	100	400	280	120
30	Supplies	6,742	30	2,023	991	425	486	121	70	4,719	3,303	1,416
84	Refunds	100	0	0	0	0	0	0	100	100	70	30
	TOTAL	$569,049		211,986	135,007	23,633	46,594	6,752		357,063	249,496	107,567
									Minus Verification Income		9,250	2,750
											$ 240,246	$ 104,8[redacted]

Total RN costs: $ 408,136
Total LPN costs: $ 160,913

[1]Licensing costs are charged 70% to RNs and 30% to LPNs, based on the average numbers of persons licensed per year.

[2]RN licensing costs are charged 70% to examination applicants and 30% to endorsement applicants based on the average number licensed per year.

[3]LPN licensing costs are charged 80% to examination applicants and 20% to endorsement applicants based on the average number licensed per year.

[4]The amount is divided on an RN/LPN ratio of 70/30, the ratio of each renewal per year.

Table 2

MINNESOTA BOARD OF NURSING

PROPOSED FEE SCHEDULE

FISCAL YEARS 1978-79

RN	TYPE	NUMBER	FEE	INCOME PER YEAR
	Exam	2,100	$60	$ 126,000
	Re-exam	350	20	7,000
	Endorsement	850	35	29,750
	Renewal	31,500	7.50	236,250
	Penalty	500	4	2,000
	Delinquent	80	4-40	640
	Verification	1,850	5	9,250
				$ 410,890

LPN				
	Exam	1,200	$40	$ 48,000
	Re-exam	150	15	2,250
	Endorsement	250	25	6,250
	Renewal	13,500	7	94,500
	Penalty	500	4	2,000
	Delinquent	80	4-40	640
	Verification	550	5	2,750
	TOTAL			$ 156,390
	GRAND TOTAL			$ 567,280

Appropriation	F.Y. 78	F.Y. 79
Basic	$ 522,923	$ 524,049
Salary Supplement	30,689	45,000
TOTAL	$ 553,612	$ 569,049

JMS/mh
5/77

Table 3

MINNESOTA BOARD OF NURSING

Success of Candidates for Registered Nurse Licensure
in Minnesota Who Wrote the SBTPE between
1/1/72 and 1/1/77 by Location of Nursing Program

LOCATION OF NURSING PROGRAM	FIRST WRITING					REPEATED WRITINGS				
	Number Writing	Passed No.	%	Failed No.	%	Number Writing	Passed No.	%	Failed No.	%
Minnesota Associate	4043	3484	86	559	14	741	475	64	266	36
Baccalaureate	2706	2503	92	203	8	200	150	75	50	25
Diploma	3207	3012	94	195	6	231	172	74	59	26
TOTAL	9956	8999	90	957	10	1172	797	68	375	32
Other U.S. Jurisdictions	992	940	95	52	5	63	51	81	12	19
Other Countries	319	84	26	235	74	528	176	34	352	66
TOTAL	11,267	10,023	89	1,244	11	1,763	1,024	58	739	42

Table 4

MINNESOTA BOARD OF NURSING

Success of Candidates for Licensed Practical Nurse Licensure
in Minnesota Who Wrote the SBTPE between
1/1/73 and 1/1/77 by Location of Nursing Program

LOCATION OF NURSING PROGRAM	Number Writing	FIRST WRITING				Number Writing	REPEATED WRITINGS			
		Passed		Failed			Passed		Failed	
		No.	%	No.	%		No.	%	No.	%
Minnesota	4445	4190	94	255	6	344	151	44	193	56
Other U.S. Jurisdictions	205	192	94	13	6	24	8	33	16	67
Other Countries	6	4	67	2	33	1	0	0	1	100
Endorsements	22	11	50	11	50	5	2	40	3	60
TOTALS	4678	4397	94	281	6	374	161	43	213	57

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal, and Verification Fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

STATEMENT OF EVIDENCE

The Statement of Justification, attached hereto and made a part hereof, shall constitute a statement summarizing the evidence to be presented at the hearing in support of the above-referenced proposed rules.

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal, and Verification Fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

STATEMENT OF NEED

The above-captioned rules are amendments to existing rules of the Minnesota Board of Nursing. The last time 7 MCAR § 5.1003 was amended was in 1967. The last time the remaining rules were amended was in 1975.

The need to adopt these rules arises primarily in order to bring them up to date with new legislation and to provide further clarification to applicants and licensees.

Several rules are amended to increase fees assessed by the Board in order to provide services. Minn. Stat. § 214.06 subd. 1 (1976) states in relevant part that:

> Notwithstanding any law to the contrary, . . . all health related licensing boards may by rule, . . . adjust any fee which the Board is empowered to assess a sufficient amount so that the total fees collected by each Board will as closely as possible equal anticipated expenditures. Examination fees, if any, shall be set by rules so that the total amount of annual examination fee income approximately meets the anticipated costs of administering the examinations.

Proposed amendments to 7 MCAR §§ 5.1002, 5.1030, 5.1032, 5.1033, 5.1035, 5.1036, 5.2002, 5.2030, 5.2031, 5.2032, 5.2033, 5.2035 and 5.2036 all increase or add fees. Such increases are necessary in order for the Board to approximate with income anticipated expenditures as indicated in Tables numbered 1 and 2 attached to the Statement of Justification.

Minn. Laws 1977, ch. 433 § 2 states in relevant part that:

> Each agency shall adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public.

Inasmuch as application for licensure, administration and grading of examinations, granting of temporary permits, licensure, and registration renewal, and approval of educational programs are all official duties of the Board of Nursing pursuant to Minn. Stat. §§ 148.91 subd. 2, 148.211, 148.231, 148.291, 148.294 and 214.06 subd. 2 (1976), several of the rules are necessary to set forth the nature of these requirements and procedures before the Board with respect to these requirements. Examples of such rules are found in proposed amendments to 7 MCAR §§ 5.1003, 5.1004, 5.1012, 5.1030, 5.1032, 5.1033, 5.1034, 5.1035, 5.1036, 5.2003, 5.2005, 5.2030, 5.2032, 5.2033, 5.2034, and 5.2035.

Since the Board of Nursing is required by Minn. Stat. § 148.191 subd. 2 (1976) to prescribe by rule standards for courses preparing persons for licensure, proposed repeals of sections of 7 MCAR §§ 5.1060, 5.1061, 5.1063, 5.1080, 5.2050, 5.2051, 5.2053, 5.2070, and 5.2082 are necessary to insure that the Board concentrates its reviewing efforts while surveying schools to those items within a curricula which relate to ultimate licensure and which are within the Board's expertise to review.

These proposed amendments to rules are necessary due to legislative mandates, the need to amend existing rules to bring them up to date with new legislation, the need to insure that income received by the Board nearly approximates anticipated expenditures, the need of the Board to recognize advances in the art and science of nursing and the need to provide clarity to the public of requirements and procedures in its dealings with the Board. Further need is clarified and put forth in the Statement of Justification filed in support of these rules.

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal and Verification fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1976), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on Thursday, September 8, 1977, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments to 7 MCAR §§ 5.002-03, 5.1012, 5.1032-1036, 5.1060-61, 5.1063, 5.1080, 5.1091, 5.2002-03, 5.2005, 5.2130, 5.2032-36, 5.2040, 5.2050-51, 5.2043, 5.2070, 5.2082 captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Robert Herr, Hearing Examiner, at 308 Washington Square, White Bear Lake, Minnesota 55110, telephone (612) 426-1661, either before the hearing or within five days after the close of the hearing unless the hearing examiner orders an extension. All such statement will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be

furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

A copy of the proposed amendments is attached hereto and made a part hereof.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to the Minnesota Board of Nursing, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the Board of Nursing's position relative to the necessity for the proposed amendments and a Statement of Evidence outlining the testimony and evidence which will be introduced by the Board in support of the proposed amendments will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection. The statutory authority of the Board of Nursing to promulgate and adopt these rules is contained in Minn. Stat. §§ 148.191 subd. 1; 148.211; 148.231; 148.291; 148.294; and 214.06 (1976).

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more

than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 a year or five (5) hours per month for lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Dated: July 25, 1977

STATE OF MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal and Verification fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

AFFIDAVIT OF MAILING

ROBERT C. SWANSON, being first duly sworn, deposes and says:

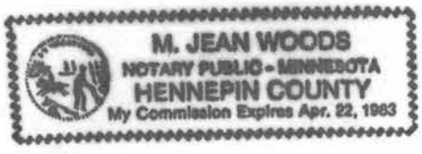
That on the 5th day of August, 1977, at the City of Minneapolis, County of Hennepin, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the Certificate of the Secretary of State attached and made a part hereof as Exhibit A, to all persons and associations at the addresses listed on Exhibit B, attached and made a part hereof, as of the date of mailing.

Robert C. Swanson

ROBERT C. SWANSON

Subscribed and sworn to before me this 12th day of December, 1977.

M. Jean Woods



STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal and Verification fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Robert C. Swanson, being duly sworn upon oath, deposes and says:

1. That he is an employee of the Minnesota State Board of Nursing.

2. That on the 26 day of July, 1977, he called the Minnesota Secretary of State's office and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules or amendments thereto pursuant to Minn. Stat. § 15.0412 subd. 4 (1976).

3. That on the 1 day of August, 1977, in response to the above request, the Secretary of State provided him with such a list, a photocopy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Robert C. Swanson

ROBERT C. SWANSON

Subscribed and sworn to before me this 2nd day of August, 1977.

Christine Grinstenner

CHRISTINE GRINSTENNER
Notary Public, Dakota Co., Minn.
My Commission Expires
Dec. 5, 1981

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal and Verification fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

STATEMENT OF NUMBER OF PERSONS EXPECTED TO ATTEND AND LENGTH OF HEARING

The number of persons expected to attend the hearing in the above-captioned matter is 50 people.

It is estimated that the length of the hearing will be 4 hours.

Dated: July 25, 1977

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

CERTIFICATE OF BOARD OF NURSING'S

AUTHORIZING RESOLUTION

I, Joyce M. Schowalter, R.N., do hereby certify that I am the Executive Secretary of the Minnesota Board of Nursing, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 17th day of June, 1977, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that Joyce M. Schowalter, R.N., Executive Secretary of the Minnesota Board of Nursing, be and she hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board relating to verification of registered nurse and licensed practical nurse licenses, renewal of registration for registered nurses and licensed practical nurses, licensure and renewal fees, changes of licensure status, names and address, and related procedures as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as requesting the appointment of a hearing examiner and complying with all applicable provisions of the Minnesota Administrative Procedure Act and the Rules of the Office of Hearing Examiners.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of January, 1978.

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal and Verification fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1976), in the Board Room, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on Thursday, September 8, 1977, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments to 7 MCAR §§ 5.002-03, 5.1012, 5.1032-1036, 5.1060-61, 5.1063, 5.1080, 5.1091, 5.2002-03, 5.2005, 5.2130, 5.2032-36, 5.2040, 5.2050-51, 5.2043, 5.2070, 5.2082 captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to _____, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-_____, either before the hearing or within five days after the close of the hearing unless the hearing examiner orders an extension. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners.

A copy of the proposed amendments is attached hereto and made a part hereof.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to the Minnesota Board of Nursing, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414. Additional copies will be available at the door on the date of the hearing.

A Statement of Need explaining the Board of Nursing's position relative to the necessity for the proposed amendments and a Statement of Evidence outlining the testimony and evidence which will be introduced by the Board in support of the proposed amendments will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection. The statutory authority of the Board of Nursing to promulgate and adopt these rules is contained in Minn. Stat. §§ 148.191 subd. 1; 148.211; 148.231; 148.291; 148.294; and 214.06 (1976).

In addition, please be advised that Minn. Stat. ch. 10A requires each loggyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 a year or five (5) hours per month for lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Dated: July 25, 1977

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Terry P. O'Brien, do hereby declare that I have examined the proposed rules of the Minnesota Board of Nursing relating to application, renewal and verification fees, licensure examinations, renewals, delinquencies and name change for professional nurses and practical nurses and all related documents and that, based on such examinations and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Dated: January 27, 1978

Terry P. O'Brien

TERRY P. O'BRIEN
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of Proposed Amendments Relating to Application, Renewal and Verification Fees, Licensure Examinations, Renewals, Delinquencies and Name Change for Professional Nurses and Practical Nurses

ORDER FOR HEARING

To effectively implement Minn. Stat. §§ 148.91, subd. 1, 148.211, 148.231, 148.291, 148.294 and 214.06 (1976) the Minnesota Board of Nursing deems it necessary to consider adoption of the proposed amendments to 7 MCAR §§ 5.1002-03, 5.1012, 5.1032-1036, 5.1060-61, 5.1063, 5.1080, 5.1091, 5.2002-03, 5.2005, 5.2130, 5.2032-36, 5.2040, 5.2050-51, 5.2053, 5.2070, 5.2082 captioned above pursuant to the authority vested in it by the above-referenced statutes.

NOW, THEREFORE, IT IS ORDERED this 25th day of July, 1977, that a public hearing on the proposed rules captioned above be held in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on Thursday, September 8, 1977, commencing at 9:30 a.m., and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be published in the State Register and be given to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose and to all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER, R.N.
Executive Secretary

Please file
C Nsg
77 Mtg

MINNESOTA BOARD OF NURISNG
717 Delaware Street S.E.
Minneapolis, MN 55414
(612) 296-5493

Proposed Rule Revisions

§ 5.1002 Application. The application forms and instructions for filing are provided by the Board. The application shall be submitted to the Board in advance of the published deadline for the desired examination date.

A. An application for licensure by examination from a graduate of a Minnesota program shall consist of:

1. the notarized application form,
2. the recommendation from the nursing program director and
3. the fee of $~~35~~ 60.

Following graduation, whether this occurs before or after the examination, the applicant must also submit an affidavit of graduation (notarized) and an official school transcript.

B. A completed application from an out-of-state graduate shall consist of:

1. the notarized application,
2. the recommendation from the nursing program director,
3. the fee of $~~35~~ 60,
4. the affidavit of graduation and
5. the official school transcript.

§ 5.1003 Permit to practice professional nursing.

B. A holder of a permit shall not use the title "registered nurse", abbreviated R.N., in Minnesota until his license is issued, although he may be employed in professional nursing in Minnesota while the permit is valid. The holder of a permit may use the title "graduate nurse" and may use the letters "GN".

§ 5.1004 Examination and re-examination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score ~~for each series of~~ on the Minnesota licensure examination, the State Board Test Pool Examination, shall be ~~determined by the Board~~ a standard score of at least 350 in each section.

B. An applicant whose score falls below a standard score of 350 in one or more sections of the State Board Test Pool Examination shall be deemed to have failed the examination.

C. An applicant who fails the examination shall rewrite only the sections failed unless otherwise specified in these rules.

D. An applicant must pass all ~~five~~ sections of the examination in not more than three writings within ~~an 18~~ a 24 month period. ~~The Board must receive evidence of remedial assistance from the applicant who fails more than three writings before such applicant will be admitted to subsequent examinations. The applicant who has not passed all five sections of the examination in 18 months must re-write the entire examination.~~ Each 24 month period begins on the date of the first examination of the cycle.

E. An applicant who does not pass all sections of the examination within a 24 month period must re-write all sections of the examination.

F. An applicant who does not pass the examination within the first 24 month period must present evidence of remedial assistance to the Board prior to admission to each subsequent examination. The remedial assistance must occur during the period following the applicant's last examination and prior to the applicant's next examination. The remedial assistance must relate to the subject matter of the section(s) to be re-written, test-taking skills or English proficiency.

~~G.~~ G. The fee for re-examination shall be $20 and is required for each re-examination whether one or more sections of the examination are to be re-written at that time.

~~B.~~ H. Prior to the examination date each accepted applicant will be sent an admission card which shall be presented by the applicant for admission to the examination center.

§ 5.1012 Permit to practice professional nursing. A permit for the practice of professional nursing in Minnesota for a period up to ~~90 days~~ six months shall be issued by the Minnesota Board of Nursing to an applicant who is a graduate of a U.S. school of nursing and is licensed in another U.S. jurisdiction upon submission of application, statutory fee and satisfactory evidence of current licensure in another U.S. jurisdiction.

§ 5.1030 Renewal of registration. Each licensee is responsible for applying for renewal registration if he/she wishes to be employed as a Registered Nurse in Minnesota ~~in the coming year. The Board issues renewal applications to all current licensees and will renew registration upon receipt of the application and the renewal fee. Beginning with the 1976 renewal period, the annual fee shall be $5~~.

A. The application for registration renewal must be completed and signed before a renewal certificate is issued.

B. The renewal period shall be 24 months in length, beginning August 1 and ending July 31.

C. The December 31, 1977, expiration date of all renewal certificates is hereby extended to July 31, 1978. All renewal certificates issued between the effective date of this rule and July 31, 1978, which are intended to be valid during those dates shall contain an expiration date of July 31, 1978.

D. Beginning August 1, 1978, the fee for registration renewal shall be $15.00 per renewal period.

E. Individuals licensed for the first time within three calendar months prior to the first day of a renewal period shall not be required to meet requirements for that renewal period but shall be considered in good standing.

§ 5.1032 Delinquent status.

A. An applicant for renewal of registration, except if in nonpracticing status, who failed to re-register in the previous year or years shall pay a delinquent fee of ~~$2~~ 4 for each year for which he/she has been delinquent up to a maximum of ~~$10~~ 40 as well as the penalty fee of ~~$2~~ 4 and the renewal fee for the current period.

B. The registered nurse who has failed to re-register with the Board and whose license has been in delinquent status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence, submitted on a notarized form, may include any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a registered nurse in another U.S. jurisdiction or foreign country,
2. completion of no less than one week of a refresher course,
3. attendance at no less than 15 clock hours of nursing-related educational offerings,
4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or
5. such other similar evidence; and

such other evidence as the Board may reasonably require.

§ 5.1033 Nonpracticing status.

A. An applicant for nonpracticing status who failed to renew registration for the previous year or years shall pay a delinquent fee of ~~$2~~ 4

for each year which he/she has been delinquent up to a maximum of ~~$10~~ 40.

B. The registered nurse who has been in the nonpracticing status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence may include ~~completion of a refresher course, continuing education courses, an apprenticeship, orientation program or such other evidence as the Board may reasonably require~~ any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a registered nurse in another U.S. jurisdiction or foreign country,
2. completion of no less than one week of a refresher course,
3. attendance at no less than 15 clock hours of nursing-related educational offerings,
4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or
5. such other similar evidence; and

such other evidence as the Board may reasonably require.

§ 5.1034 Change of name on records. ~~The licensee who is changing names must request the change in writing and must return the current renewal certificate with the request for name change. The Board may require substantiation of the change by requiring official documentation.~~

A. Name change.

1. The licensee who has changed names shall notify the Board in writing as soon as possible and request a revised renewal certificate.,
2. When requesting a revised renewal certificate, the licensee shall return the current certificate to the Board. If the current certificate has been lost, stolen, or destroyed, the licensee shall provide written evidence of the situation,

3. The Board may require substantiation of the name change by requiring official documentation.

B. Address change.

1. The licensee who has changed addresses shall notify the Board in writing as soon as possible,

2. The Board shall notify the licensee of address changes made in the licensee's records; however, a revised renewal certificate will not be issued.

§ 5.1035 Duplicate ~~renewal certificate~~ and replacement documents. ~~Duplicate renewal certificates are issued only to persons who have had legal name changes. The individual who is changing names must return his/her current renewal certificate to the Board before a duplicate certificate is issued. A duplicate renewal certificate is not issued when a certificate is lost or stolen.~~

A. License

1. A duplicate license shall not be issued.

2. A replacement license may be issued when the licensee notifies the Board, by certified statement, that the original license was lost, stolen, or destroyed.

3. The replacement license shall be marked "Replacement" and the date of issuance indicated.

4. The fee for a replacement license is $5.00.

B. Renewal certificate.

1. A duplicate renewal certificate shall not be issued.

2. If a renewal certificate is lost, stolen or destroyed, the licensee shall submit written evidence of the situation.

3. Upon written request of the licensee, a Verification of Current Registration shall be issued for a fee of $3.00.

4. If a licensee does not receive a renewal certificate which has been issued and notifies the Board office within ninety (90) days of date of issuance, a Verification of Current Registration may be issued without a fee.

§ 5.1036 Verification of Minnesota license.

A. A registered nurse wishing to be licensed in another U.S. jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the board of nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country, if the license is current or in the non-practicing status.

B. Licenses which are in the delinquent status will not be verified until the requirements are met which place the license in a current or non-practicing status.

C. The fee for verification of a license shall be $5.00 for each verification.

D. If a transcript is provided from the Board files for a nursing program which is no longer currently in operation, an additional fee of $3.00 may be charged.

§ 5.1060 Controlling institution.

~~B. A community/junior college, senior college, or university which operates a nursing program shall be accredited by the North Central Association of Colleges and Secondary Schools. Such accreditation is also required for a college or university which provides some courses for students in the nursing programs of other institutions.~~

~~C. The Board may grant interim approval to a new nursing program when there is evidence that the college has acquired eligibility status for accreditation by a national or regional accrediting body recognized by the Board.~~

~~D. The controlling institution shall insure support including financial support which will provide a sound educational program.~~

§ 5.1061 Organization.

~~B. The faculty for this program shall be organized in order to effectively involve members in the formulation, implementation and evaluation of the curriculum.~~

§ 5.1063 Publications.

~~A. Current information shall be available that accurately describes the program's curriculum and student related policies.~~

~~B. The fees charged to students will be clearly communicated to students in writing.~~

§ 5.1080 Admission.

~~A. Admission practices shall be based on the program's stated criteria for selection.~~

~~B. The selection and advancement of students shall be in accord with state and federal laws on non discrimination.~~

§ 5.1091 Curriculum development and objectives.

A. The curriculum includes all the content, instructional activities and learning experiences planned and guided by the institution's faculty to achieve stated curriculum and course objectives. The selection of content and activities of the learning experiences is one of the central responsibilities of curriculum planning. The selection and organization of the learning experiences in the curriculum shall provide continuity, sequence and integration of learnings.

~~A. Nursing course objectives shall be construed within the framework of the philosophy and goals of the program and should be attainable to a significant degree.~~

~~1. Nursing course objectives shall be written by the nursing faculty and shall provide direction for the development and implementation of specific courses.~~

~~2. These statements shall realistically identify expected changes in behavior of the nursing students.~~

§ 5.2002 Application. The application forms and instructions for filing are provided by the Board. The application shall be submitted to the Board in advance of the published deadline for the desired examination date.

A. An application for licensure by examination from a student or graduate of a Minnesota program shall consist of:

1. The notarized application form,
2. The recommendation from the nursing program director, and
3. The fee of ~~$25~~ 40.

Following graduation, whether this occurs before or after the examination, the applicant must also submit an affidavit of graduation (notarized) and an official transcript.

B. A completed application from an out-state graduate shall consist of:

1. The notarized application,
2. The recommendation from the nursing program director,
3. The fee of ~~$25~~ 40,
4. The affidavit of graduation, and
5. The official school transcript.

§ 5.2003 Examination and re-examination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score ~~for each form of~~ on the Minnesota licensure examination, the State Board Test Pool Examination, shall be ~~determined by the~~

~~Minnesota Board of Nursing~~ a standard score of at least 400.

B. An applicant whose score falls below a standard score of 400 on the State Board Test Pool Examination shall be deemed to have failed the examination.

~~B.~~ C. An applicant must pass the examination in not more than three writings within ~~an 18~~ a 24 month period. ~~The applicant who fails more than three writings must submit evidence to the Board of remedial assistance before being admitted to each subsequent examination. Such re-examination may be repeated at subsequent testing periods until the passing score is attained.~~ Each 24 month period begins on the date of the first examination of the cycle.

D. An applicant who does not pass the examination within the 24 month period must present evidence of remedial assistance to the Board prior to admission to each subsequent examination. The remedial assistance must occur during the period following the applicant's last examination and prior to the applicant's next examination. The remedial assistance must relate to the subject matter of the examination, test-taking skills or English proficiency.

~~C.~~ E. The fee for re-examination shall be $15 and is required for each re-examination.

~~B.~~ F. Prior to the examination date each accepted applicant will be sent an admission card which shall be presented by the applicant for admission to the examination center.

§ 5.2005 Permit to Practice.

A. A permit to practice practical nursing may be issued to an applicant accepted to write the first licensure examination following graduation.

B. The permit shall remain valid until the applicant is notified of the results of the examination or recalled by the Board.

C. The holder of a permit may use the title "graduate practical nurse" and may use the letters "GPN".

D. The holder of a permit who does not take the examination as scheduled must return the permit.

§ 5.2030 Renewal of registration.

A. Each licensee is responsible for applying for renewal of registration if he/she wishes to be employed as a licensed practical nurse in Minnesota in the coming year. The Board issues renewal application forms to all current licensees and will renew registration upon receipt of application and the renewal fee. Beginning with the ~~1976~~ 1978 renewal period, the annual fee shall be ~~$5~~ 7.

B. Individuals licensed for the first time within three calendar months prior to the first day of a renewal period shall not be required to meet requirements for that renewal period but shall be considered in good standing.

§ 5.2031 Penalty. An applicant for renewal of registration, except if in non-practicing status, shall pay a late penalty fee of ~~$2~~ 4 as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

§ 5.2032 Delinquent status.

A. An applicant for renewal of registration, except if in nonpracticing status, who failed to re-register for the previous year or years shall pay a delinquent fee of ~~$2~~ 4 for each year for which he/she has been delinquent up to a maximum of ~~$10~~ 40 as well as the penalty fee of ~~$2~~ 4 and the renewal fee for the current period.

B. The licensed practical nurse who has failed to re-register with the Board and whose license has been in delinquent status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence, submitted on a notarized form, may include any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a licensed practical nurse in another U.S. jurisdiction or foreign country,
2. completion of no less than one week of a refresher course,
3. attendance at no less than 15 clock hours of nursing-related educational offerings,
4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or
5. such other similar evidence; and

such other evidence as the Board may reasonably require.

§ 5.2033 Nonpracticing status.

A. An applicant for nonpracticing status who failed to renew registration for the previous year or years shall pay a delinquent fee of ~~$2~~ 4 for each year for which he/she has been delinquent up to a maximum of ~~$10~~ 40.

B. The licensed practical nurse who has been in the nonpracticing status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence, submitted on a notarized form, may include ~~completion of a refresher course, continuing education courses, an apprenticeship, an orientation program or such other evidence as the Board may reasonably require.~~ any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a licensed practical nurse in another U.S. jurisdiction or foreign country,

2. completion of no less than one week of a refresher course,

3. attendance at no less than 15 clock hours of nursing-related educational offerings,

4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or

5. such other similar evidence; and

such other evidence as the Board may reasonably require.

§ 5.2034 Change of name on records. ~~The licensee who is changing names must request the change in writing and must return the current renewal certificate with the request for name change by requiring official documentation.~~

A. Name change.

1. The licensee who has changed names shall notify the Board in writing as soon as possible and request a revised renewal certificate.

2. When requesting a revised renewal certificate, the licensee shall return the current certificate to the Board. If the current certificate has been lost, stolen, or destroyed, the licensee shall provide written evidence of the situation.

3. The Board may require substantiation of the name change by requiring official documentation.

B. Address change.

1. The licensee who has changed addresses shall notify the Board in writing as soon as possible.

2. The Board shall notify the licensee of address changes made in the licensee's records; however, a revised renewal certificate will not be issued.

§ 5.2035 Duplicate ~~of renewal certificates~~ and replacement documents.

~~Duplicate renewal certificates are issued only to persons who have had legal name changes. The individual who is changing names must return his/her current renewal certificate to the Board before a duplicate certificate is issued. A duplicate renewal certificate is not issued when a certificate is lost or stolen.~~

A. License.

1. A duplicate license shall not be issued.

2. A replacement license may be issued when the licensee notifies the Board, by certified statement, that the original license was lost, stolen or destroyed.

3. The replacement license shall be marked "Replacement" and the date of issuance indicated.

4. The fee for a replacement license is $5.00.

B. Renewal certificate.

1. A duplicate renewal certificate shall not be issued.

2. If a renewal certificate is lost, stolen or destroyed, the licensee shall submit written evidence of the situation.

3. Upon written request of the licensee, a Verification of Current Registration shall be issued for a fee of $3.00.

4. If a licensee does not receive a renewal certificate which has been issued and notifies the Board office within ninety (90) days of date of issuance, a Verification of Current Registration may be issued without a fee.

§ 5.2036 Verification of Minnesota license.

A. A licensed practical nurse wishing to be licensed in another U.S. jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the board of nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country, if the license is current or in the non-practicing status.

B. Licenses which are in the delinquent status will not be verified until the requirements are met which place the license in a current or non-practicing status.

C. The fee for verification of a license shall be $5.00 for each verification.

D. If a transcript is provided from the Board files for a nursing program which is no longer currently in operation, an additional fee of $3.00 may be charged.

§ 5.2040 Definitions.

B. "Board" means the Minnesota Board of Nursing. ~~for the purpose of the practical nursing law.~~

§ 5.2050 Controlling institution.

B. ~~The board of the controlling institution shall insure support including financial support which will provide a sound educational program.~~

§ 5.2051 Organization.

B. ~~The faculty for this program shall be organized in order to effectively involve members in the formulation, implementation and evaluation of the curriculum.~~

§ 5.2053 Publications.

A. ~~Current information shall be available that accurately describes the program and student related policies.~~

B. ~~The fees charged to students will be clearly communicated to students in writing.~~

§ 5.2070 Selection and admission.

A. ~~Admission practices shall be based on the program's stated criteria for selection.~~

B. ~~The selection and advancement of students shall be in accord with state and federal laws on non-discrimination.~~

C. ~~Educational preparation shall be verified before acceptance into the school. High school graduation equivalency may be determined through successful completion of standardized tests such as the General Education Development Tests.~~

§ 5.2082 Curriculum plan. The curriculum should be designed to prepare the student for licensure as a practical nurse. ~~The licensed practical nurse gives nursing care with the guidance and supervision of a registered nurse or physician.~~

A. ~~The plan shall be designed to assist the student to progress in appropriate sequence from the simple to the complex and the known to the unknown.~~

B. ~~The plan shall be based on broad areas of learning and demonstrate the relationship of each segment to the whole.~~

C. ~~The plan shall also document the meaningful and concurrent application of theory to practice and the utilization of previous learnings.~~

D. ~~The plan shall reflect the program objectives in a way that is meaningful to the teacher and the student.~~

RULES AS ADOPTED.

MINNESOTA BOARD OF NURISNG
717 Delaware Street S.E.
Minneapolis, MN 55414
(612) 296-5493

Proposed Rule Revisions

§ 5.1002 Application. The application forms and instructions for filing are provided by the Board. The application shall be submitted to the Board in advance of the published deadline for the desired examination date.

A. An application for licensure by examination from a graduate of a Minnesota program shall consist of:

1. the notarized application form,
2. the recommendation from the nursing program director and
3. the fee of ~~$35~~ 60.

Following graduation, whether this occurs before or after the examination, the applicant must also submit an affidavit of graduation (notarized) and an official school transcript.

B. A completed application from an out-of-state graduate shall consist of:

1. the notarized application,
2. the recommendation from the nursing program director,
3. the fee of ~~$35~~ 60,
4. the affidavit of graduation and
5. the official school transcript.

§ 5.1003 Permit to practice professional nursing.

B. A holder of a permit shall not use the title "registered nurse", abbreviated R.N., in Minnesota until his license is issued, although he may be employed in professional nursing in Minnesota while the permit is valid. The holder of a permit may use the title "graduate nurse" and may use the letters "GN".

§ 5.1004 Examination and re-examination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score ~~for each series of~~ on the Minnesota licensure examination, the State Board Test Pool Examination, shall be ~~determined by the Board~~ a standard score of at least 350 in each section.

B. An applicant whose score falls below a standard score of 350 in one or more sections of the State Board Test Pool Examination shall be deemed to have failed the examination.

C. An applicant who fails the examination shall rewrite only the sections failed unless otherwise specified in these rules.

D. An applicant must pass all ~~five~~ sections of the examination in not more than three writings within ~~an 18~~ a 24 month period. ~~The Board must receive evidence of remedial assistance from the applicant who fails more than three writings before such applicant will be admitted to subsequent examinations. The applicant who has not passed all five sections of the examination in 18 months must re-write the entire examination.~~ Each 24 month period begins on the date of the first examination of the cycle.

E. An applicant who does not pass all sections of the examination within a 24 month period must re-write all sections of the examination.

F. An applicant who does not pass the examination within the first 24 month period must present evidence of remedial assistance to the Board prior to admission to each subsequent examination. The remedial assistance must occur during the period following the applicant's last examination and prior to the applicant's next examination. The remedial assistance must relate to the subject matter of the section(s) to be re-written, test-taking skills or English proficiency.

~~G.~~ G. The fee for re-examination shall be $20 and is required for each re-examination whether one or more sections of the examination are to be re-written at that time.

~~B.~~ H. Prior to the examination date each accepted applicant will be sent an admission card which shall be presented by the applicant for admission to the examination center.

§ 5.1012 Permit to practice professional nursing. A permit for the practice of professional nursing in Minnesota for a period up to ~~90 days~~ six months shall be issued by the Minnesota Board of Nursing to an applicant who is a graduate of a U.S. school of nursing and is licensed in another U.S. jurisdiction upon submission of application, statutory fee and satisfactory evidence of current licensure in another U.S. jurisdiction.

§ 5.1030 Renewal of registration. Each licensee is responsible for applying for renewal registration if he/she wishes to be employed as a Registered Nurse in Minnesota ~~in the coming year. The Board issues renewal applications to all current licensees and will renew registration upon receipt of the application and the renewal fee. Beginning with the 1976 renewal period, the annual fee shall be $5.~~

A. The application for registration renewal must be completed and signed before a renewal certificate is issued.

B. The renewal period shall be 24 months in length, beginning August 1 and ending July 31.

C. The December 31, 1977, expiration date of all renewal certificates is hereby extended to July 31, 1978. All renewal certificates issued between the effective date of this rule and July 31, 1978, which are intended to be valid during those dates shall contain an expiration date of July 31, 1978.

D. Beginning August 1, 1978, the fee for registration renewal shall be $15.00 per renewal period.

E. Individuals licensed for the first time within three calendar months prior to the first day of a renewal period shall not be required to meet requirements for that renewal period but shall be considered in good standing.

§ 5.1032 Delinquent status.

A. An applicant for renewal of registration, except if in nonpracticing status, who failed to re-register in the previous year or years shall pay a delinquent fee of ~~$2~~ 4 for each year for which he/she has been delinquent up to a maximum of ~~$10~~ 40 as well as the penalty fee of $2 and the renewal fee for the current period.

B. The registered nurse who has failed to re-register with the Board and whose license has been in delinquent status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence, submitted on a notarized form, may include any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a registered nurse in another U.S. jurisdiction or foreign country,
2. completion of no less than one week of a refresher course,
3. attendance at no less than 15 clock hours of nursing-related educational offerings,
4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or
5. such other similar evidence; and

such other evidence as the Board may reasonably require.

§ 5.1033 Nonpracticing status.

A. An applicant for nonpracticing status who failed to renew registration for the previous year or years shall pay a delinquent fee of ~~$2~~ 4

for each year which he/she has been delinquent up to a maximum of ~~$10~~ 40.

B. The registered nurse who has been in the nonpracticing status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence, submitted on a notarized form, may include ~~completion-of-a-refresher-course,-continuing-education-courses, an-apprenticeship,-orientation-program-or-such-other-evidence-as-the-Board-may reasonably-require~~ any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a registered nurse in another U.S. jurisdiction or foreign country,
2. completion of no less than one week of a refresher course,
3. attendance at no less than 15 clock hours of nursing-related educational offerings,
4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or
5. such other similar evidence, and

such other evidence as the Board may reasonably require.

§ 5.1034 Change of name on records. ~~The-licensee-who-is-changing-names must-request-the-change-in-writing-and-must-return-the-current-renewal certificate-with-the-request-for-name-change.--The-Board-may-require-substantiation-of-the-change-by-requiring-official-documentation.~~

A. Name change.

1. The licensee who has changed names shall notify the Board in writing as soon as possible and request a revised renewal certificate,
2. When requesting a revised renewal certificate, the licensee shall return the current certificate to the Board. If the current certificate has been lost, stolen, or destroyed, the licensee shall provide written evidence of the situation,

3. The Board may require substantiation of the name change by requiring official documentation.

B. Address change.

1. The licensee who has changed addresses shall notify the Board in writing as soon as possible,

2. The Board shall notify the licensee of address changes made in the licensee's records; however, a revised renewal certificate will not be issued.

§ 5.1035 Duplicate ~~renewal certificate~~ and replacement documents. ~~Duplicate renewal certificates are issued only to persons who have had legal name changes. The individual who is changing names must return his/her current renewal certificate to the Board before a duplicate certificate is issued. A duplicate renewal certificate is not issued when a certificate is lost or stolen.~~

A. License

1. A duplicate license shall not be issued.

2. A replacement license may be issued when the licensee notifies the Board, by certified statement, that the original license was lost, stolen, or destroyed.

3. The replacement license shall be marked "Replacement" and the date of issuance indicated.

4. The fee for a replacement license is $5.00.

B. Renewal certificate.

1. A duplicate renewal certificate shall not be issued.

2. If a renewal certificate is lost, stolen or destroyed, the licensee shall submit written evidence of the situation.

3. Upon written request of the licensee, a Verification of Current Registration shall be issued for a fee of $3.00.

4. If a licensee does not receive a renewal certificate which has been issued and notifies the Board office within ninety (90) days of date of issuance, a Verification of Current Registration may be issued without a fee.

§ 5.1036 Verification of Minnesota license.

A. A registered nurse wishing to be licensed in another U.S. jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the board of nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country, if the license is current or in the non-practicing status.

B. Licenses which are in the delinquent status will not be verified until the requirements are met which place the license in a current or non-practicing status.

C. The fee for verification of a license shall be $5.00 for each verification.

D. If a transcript is provided from the Board files for a nursing program which is no longer currently in operation, an additional fee of $3.00 may be charged.

§ 5.1060 Controlling institution.

~~B. A community/junior college, senior college, or university which operates a nursing program shall be accredited by the North Central Association of Colleges and Secondary Schools. Such accreditation is also required for a college or university which provides some courses for students in the nursing programs of other institutions.~~

~~C. The Board may grant interim approval to a new nursing program when there is evidence that the college has acquired eligibility status for accreditation by a national or regional accrediting body recognized by the Board.~~

~~B. The controlling institution shall insure support including financial support which will provide a sound educational program.~~

§ 5.1061 Organization.

~~B. The faculty for this program shall be organized in order to effectively involve members in the formulation, implementation and evaluation of the curriculum.~~

§ 5.1063 Publications.

~~A. Current information shall be available that accurately describes the program's curriculum and student related policies.~~

~~B. The fees charged to students will be clearly communicated to students in writing.~~

§ 5.1080 Admission.

~~A. Admission practices shall be based on the program's stated criteria for selection.~~

~~B. The selection and advancement of students shall be in accord with state and federal laws on non discrimination.~~

§ 5.1091 Curriculum development and objectives.

A. The curriculum includes all the content, instructional activities and learning experiences planned and guided by the institution's faculty to achieve stated curriculum and course objectives. The selection of content and activities of the learning experiences is one of the central responsibilities of curriculum planning. The selection and organization of the learning experiences in the curriculum shall provide continuity, sequence and integration of learnings.

~~A. Nursing course objectives shall be construed within the framework of the philosophy and goals of the program and should be attainable to a significant degree.~~

~~1. Nursing course objectives shall be written by the nursing faculty and shall provide direction for the development and implementation of specific courses.~~

~~2. These statements shall realistically identify expected changes in behavior of the nursing students.~~

§ 5.2002 Application. The application forms and instructions for filing are provided by the Board. The application shall be submitted to the Board in advance of the published deadline for the desired examination date.

A. An application for licensure by examination from a student or graduate of a Minnesota program shall consist of:

1. The notarized application form,
2. The recommendation from the nursing program director, and
3. The fee of ~~$25~~ 40.

Following graduation, whether this occurs before or after the examination, the applicant must also submit an affidavit of graduation (notarized) and an official transcript.

B. A completed application from an out-state graduate shall consist of:

1. The notarized application,
2. The recommendation from the nursing program director,
3. The fee of ~~$25~~ 40,
4. The affidavit of graduation, and
5. The official school transcript.

§ 5.2003 Examination and re-examination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score ~~for each form of~~ on the Minnesota licensure examination, the State Board Test Pool Examination, shall be ~~determined by the~~

~~Minnesota Board of Nursing~~ a standard score of at least 400.

B. An applicant whose score falls below a standard score of 400 on the State Board Test Pool Examination shall be deemed to have failed the examination.

~~B.~~ C. An applicant must pass the examination in not more than three writings within ~~an 18~~ a 24 month period. ~~The applicant who fails more than three writings must submit evidence to the Board of remedial assistance before being admitted to each subsequent examination. Such re-examination may be repeated at subsequent testing periods until the passing score is attained.~~ Each 24 month period begins on the date of the first examination of the cycle.

D. An applicant who does not pass the examination within the 24 month period must present evidence of remedial assistance to the Board prior to admission to each subsequent examination. The remedial assistance must occur during the period following the applicant's last examination and prior to the applicant's next examination. The remedial assistance must relate to the subject matter of the examination, test-taking skills or English proficiency.

~~C.~~ E. The fee for re-examination shall be $15 and is required for each re-examination.

~~B.~~ F. Prior to the examination date each accepted applicant will be sent an admission card which shall be presented by the applicant for admission to the examination center.

§ 5.2005 Permit to Practice.

A. A permit to practice practical nursing may be issued to an applicant accepted to write the first licensure examination following graduation.

B. The permit shall remain valid until the applicant is notified of the results of the examination or recalled by the Board.

C. The holder of a permit may use the title "graduate practical nurse" and may use the letters "GPN".

D. The holder of a permit who does not take the examination as scheduled must return the permit.

§ 5.2030 Renewal of registration.

A. Each licensee is responsible for applying for renewal of registration if he/she wishes to be employed as a licensed practical nurse in Minnesota in the coming year. The Board issues renewal application forms to all current licensees and will renew registration upon receipt of application and the renewal fee. Beginning with the ~~1976~~ 1978 renewal period, the annual fee shall be ~~$5~~ 7.

B. Individuals licensed for the first time within three calendar months prior to the first day of a renewal period shall not be required to meet requirements for that renewal period but shall be considered in good standing.

§ 5.2031 Penalty. An applicant for renewal of registration, except if in non-practicing status, shall pay a late penalty fee of ~~$2~~ 4 as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

§ 5.2032 Delinquent status.

A. An applicant for renewal of registration, except if in nonpracticing status, who failed to re-register for the previous year or years shall pay a delinquent fee of ~~$2~~ 4 for each year for which he/she has been delinquent up to a maximum of ~~$10~~ 40 as well as the penalty fee of ~~$2~~ 4 and the renewal fee for the current period.

B. The licensed practical nurse who has failed to re-register with the Board and whose license has been in delinquent status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence, submitted on a notarized form, may include any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a licensed practical nurse in another U.S. jurisdiction or foreign country,
2. completion of no less than one week of a refresher course,
3. attendance at no less than 15 clock hours of nursing-related educational offerings,
4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or
5. such other similar evidence; and

such other evidence as the Board may reasonably require.

§ 5.2033 Nonpracticing status.

A. An applicant for nonpracticing status who failed to renew registration for the previous year or years shall pay a delinquent fee of ~~$2~~ 4 for each year for which he/she has been delinquent up to a maximum of ~~$10~~ 40.

B. The licensed practical nurse who has been in the nonpracticing status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence, submitted on a notarized form, may include ~~completion of a refresher course, continuing education courses, an apprenticeship, an orientation program or such other evidence as the Board may reasonably require.~~ any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a licensed practical nurse in another U.S. jurisdiction or foreign country,

2. completion of no less than one week of a refresher course,

3. attendance at no less than 15 clock hours of nursing-related educational offerings,

4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or

5. such other similar evidence; and

such other evidence as the Board may reasonably require.

§ 5.2034 Change of name on records. ~~The licensee who is changing names must request the change in writing and must return the current renewal certificate with the request for name change by requiring official documentation.~~

A. Name change.

1. The licensee who has changed names shall notify the Board in writing as soon as possible and request a revised renewal certificate.

2. When requesting a revised renewal certificate, the licensee shall return the current certificate to the Board. If the current certificate has been lost, stolen, or destroyed, the licensee shall provide written evidence of the situation.

3. The Board may require substantiation of the name change by requiring official documentation.

B. Address change.

1. The licensee who has changed addresses shall notify the Board in writing as soon as possible.

2. The Board shall notify the licensee of address changes made in the licensee's records; however, a revised renewal certificate will not be issued.

§ 5.2035 Duplicate ~~of renewal certificates~~ and replacement documents. ~~Duplicate renewal certificates are issued only to persons who have had legal name changes. The individual who is changing names must return his/her current renewal certificate to the Board before a duplicate certificate is issued. A duplicate renewal certificate is not issued when a certificate is lost or stolen.~~

A. License.

1. A duplicate license shall not be issued.

2. A replacement license may be issued when the licensee notifies the Board, by certified statement, that the original license was lost, stolen or destroyed.

3. The replacement license shall be marked "Replacement" and the date of issuance indicated.

4. The fee for a replacement license is $5.00.

B. Renewal certificate.

1. A duplicate renewal certificate shall not be issued.

2. If a renewal certificate is lost, stolen or destroyed, the licensee shall submit written evidence of the situation.

3. Upon written request of the licensee, a Verification of Current Registration shall be issued for a fee of $3.00.

4. If a licensee does not receive a renewal certificate which has been issued and notifies the Board office within ninety (90) days of date of issuance, a Verification of Current Registration may be issued without a fee.

§ 5.2036 Verification of Minnesota license.

A. A licensed practical nurse wishing to be licensed in another U.S. jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the board of nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country, if the license is current or in the non-practicing status.

B. Licenses which are in the delinquent status will not be verified until the requirements are met which place the license in a current or non-practicing status.

C. The fee for verification of a license shall be $5.00 for each verification.

D. If a transcript is provided from the Board files for a nursing program which is no longer currently in operation, an additional fee of $3.00 may be charged.

§ 5.2040 Definitions.

B. "Board" means the Minnesota Board of Nursing. ~~for the purpose of the practical nursing law.~~

§ 5.2050 Controlling institution.

~~B. The board of the controlling institution shall insure support including financial support which will provide a sound educational program.~~

§ 5.2051 Organization.

~~B. The faculty for this program shall be organized in order to effectively involve members in the formulation, implementation and evaluation of the curriculum.~~

§ 5.2053 Publications.

~~A. Current information shall be available that accurately describes the program and student related policies.~~

B. The fees charged to students will be clearly communicated to students in writing.

§ 5.2070 Selection and admission.

A. Admission practices shall be based on the program's stated criteria for selection.

B. The selection and advancement of students shall be in accord with state and federal laws on non-discrimination.

C. Educational preparation shall be verified before acceptance into the school. High school graduation equivalency may be determined through successful completion of standardized tests such as the General Education Development Tests.

§ 5.2082 Curriculum plan. The curriculum should be designed to prepare the student for licensure as a practical nurse. The licensed practical nurse gives nursing care with the guidance and supervision of a registered nurse or physician.

A. The plan shall be designed to assist the student to progress in appropriate sequence from the simple to the complex and the known to the unknown.

B. The plan shall be based on broad areas of learning and demonstrate the relationship of each segment to the whole.

C. The plan shall also document the meaningful and concurrent application of theory to practice and the utilization of previous learnings.

D. The plan shall reflect the program objectives in a way that is meaningful to the teacher and the student.

APPROVED AS TO FORM AND LEGALITY
MAR 2 0 1978
_____ 19____
WARREN S. A[illegible] GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT [illegible] GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 20 1978
Joan Anderson Growe
Secretary of State

12:30 P.M.