

Minnesota Attorney General: Administrative Rules Proceedings

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Our File No. 255

12/9 JOgata requested to send signed Aff. of Mailing + advised of Author. Cert problem.

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-4
DATE FOR REVIEW 12-14
DATE DUE 12-18

Adopted w/a hearing ____
Adopted w/o hearing X
Temporary rule ____

Approved ____ Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____ Revisor approved ✓ 12/7/81
disapproved ____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 12.4.81 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

? Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency but see incorrect cite

? Affidavit of Mailing Notice or rulemaking
10.22.81 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
10.26.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

NA Hearing Examiner's Report

↓ Chief Hearing Examiner's Report(s)
____ Approving H.E.'s Report
____ Approving agency action

N/A Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

✓ See Schowalter Affidavit.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
and 7 MCAR § 5.2030 et seq.
Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
and Licensed Practical Nurses
and Providing For a Two Year
Registration Renewal Period
For Licensed Practical Nurses

STATEMENT OF NEED
AND REASONABLENESS

The Minnesota Board of Nursing (hereinafter "Board"), pursuant to Minn. Stat. § 15.0412, subd. 4h (1980) hereby affirmatively presents facts establishing the need for and reasonableness of the proposed amendments to 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2030-5.2033 and 5.2036. The proposed amendments will repeal all references to "nonpracticing" and "delinquent" licenses of registered nurses and licensed practical nurses and will extend the registration renewal period from one year to two years for licensed practical nurses (hereinafter "LPNs"). In addition, the proposed rule changes will delete the reference to an annual fee in 7 MCAR § 5.2030 A., will reduce the number of continuing education contact hours required for persons licensed within six months prior to the first day of their first renewal and will permit the Board to require substantiation of continuing education for certain individuals who have deferred a number of hours to a succeeding renewal period.

I.

STATUTORY AUTHORITY FOR AMENDMENTS TO 7 MCAR §§ 5.1031-5.1033, 5.1036, 5.2030-5.2033 and 5.2036

Minn. Stat. §§ 148.231, subd. 1 and 148.294, subd. 1 (1980) as amended by Minn. Laws 1981, ch. 94, §§ 3 and 10, state, in relevant part, that:

> Every person licensed to practice professional nursing must also maintain with the board, a current registration for practice as a registered nurse which must be renewed at regular intervals stipulated by the board by rule.

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

In addition, Minn. Stat. § 214.06, subd. 2 (1980) states, in relevant part, that:

> Notwithstanding any law to the contrary, each health related and non-health related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees to be set pursuant to subdivision 1.

The Board's general statutory authority for adopting or amending rules governing the licensing of registered nurses and LPNs is contained in Minn. Stat. §§ 148.191 and 148.296 (1980), respectively. Those statutes state, in pertinent part:

> The board is authorized to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.299.
>
> The board is authorized to adopt rules as may be necessary to effectuate the provisions of sections 148.29 to 148.294 and 148.299.

II.

NEED FOR AND REASONABLENESS OF AMENDMENTS TO 7 MCAR § 5.1031-5.1033, 5.1036, 5.2031-5.2033 and 5.2036

During the 1981 Legislative session, Minn. Stat. §§ 148.231, subds. 1, 4, 5 and 148.294, subds. 2 and 3 (1980) were amended to eliminate all references to nonpracticing and delinquency statuses of registered nurses and licensed practical nurses. The majority of the proposed rule amendments to 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2031-5.2033 and 5.2036 are designed to:

1. Achieve conformity with the statutes' amendments;

2. Make changes in registration processes necessitated by the statutes' amendments; and

3. Reorder rules which follow deletions.

As such, the proposed changes are both necessary and reasonable.

Two additional proposed rule amendments serve other purposes. One is designed to make continuing education requirements more equitable for a segment of the nursing population that obtains licensure within six months of their first renewal period (7 MCAR § 5.1031 B.6.). The other proposed new rule will permit the Board to require substantiation of continuing education for certain individuals who have deferred a number of hours to a succeeding renewal period (7 MCAR § 5.1031 B.9.).

The amendments and the rationale for their proposal are set forth more specifically below:

7 MCAR § 5.1030. Introduction and definitions.

A. [Unchanged.]

B. Definitions.

1.-9. [Unchanged.]

10. "Registration" means the process by which the names and original license numbers of individuals licensed by the Board are recorded on a roster to designate that the individuals are authorized to engage in professional nursing during a renewal period.

The definition has been amended because the previous wording inferred that registration means a tabulation process only. There was no indication that the term means a status or a capacity to perform nursing functions. The clause added to the definition serves two purposes. First, it clarifies the significance of registration, i.e., the right to practice professional nursing is conferred on the licensee. Second, the clause indicates the right to practice nursing is conferred for a specific period, not permanently. The reference to "renewal period" serves as a bridge to the definition immediately following.

7 MCAR § 5.1030 B.

11. [Unchanged.]

12. "Registration renewal" means the periodic process ~~by which the Board confers legal authority upon~~ whereby an individual, who is licensed and registered with the Board ~~authorizing the person to continue engaging in professional nursing~~ requests and obtains registration for the next renewal period.

The previous wording of the definition incorporated too many elements. "Renewal" is simply a process whereby a nurse extends registration for another two year period. The amended definition is limited to a description of the process. "Registration" is the result of the process and has such significance that it warrants a more complete explanation of its meaning which has been provided in definition #10.

7 MCAR § 5.1030 B.

13.-15. [Unchanged.]

16. "Reregistration" means the process whereby a licensee regains the authority to practice professional nursing after a period of lapsed registration.

The term "reregistration" was added to Minn. Stat. §§ 148.231, subd. 5 and 148.294, subd. 3 in 1981. Minn. Laws 1981, ch. 94, §§ 5 and 10. Thus, the definition is needed for clarification. The wording differentiates the reregistration process from the renewal process described in definition #12. The substance of the definition is consistent with that of the preceding definitions.

7 MCAR § 5.1031 Registration Renewal.

A. Requirements

1.-6. [Unchanged.]

7. An applicant for registration renewal~~, except if in the nonpracticing status~~, shall pay a penalty fee of $4 as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31, of the year in which it was due.

8.-11. [Unchanged.]

B. Procedure

1.-3. [Unchanged.]

4. ~~A licensee's renewal application, evidence form and renewal fee postmarked on August 1, or later, shall be considered delinquent.~~

~~5.~~ Information to be provided by the licensee on an evidence form shall include:

a. Identification of the licensee;

b. Identification of the continuing education activities;

c. Verification that the continuing education activities met all the criteria specified in ~~7 MCAR § 5.1031~~ A. and that the information contained on the form is true in every respect; and

d. Licensee's signature and date signed.

~~6.~~5. If the application form, evidence form, or renewal fee submitted by a licensee is incomplete, incorrect, or in noncompliance with ~~these rules~~ 7 MCAR § 5.1031, the licensee shall be notified as to the reason for the rejection and all documents shall be returned to the licensee within 30 calendar days after ~~receipt~~ the board receives them.

The phrase in 7 MCAR § 5.1031 A.7. referring to a nonpracticing status is deleted in conformity with the amendment of Minn. Stat. § 148.231, subd. 5 (1980). Minn. Laws 1981, ch. 94, § 5. Rule 7 MCAR § 5.1031 B.4. is deleted in conformity

with the amendment to Minn. Stat. § 148.231, subd. 4 (1980). Minn. Laws 1981, ch. 94, § 4. Prior rules 7 MCAR §§ 5.1031 B.5. and B.6. are renumbered as B.4. and B.5. due to the repeal of 7 MCAR § 5.1031 B.4.

7 MCAR § 5.1031 B.

> ~~7.~~6. If an individual is granted a Minnesota license within six calendar months prior to the first day of licensee's renewal period, the license fee shall serve as payment for the first renewal period. Fifteen contact hours of acceptable continuing education activities shall be required for the first registration renewal.

This rule is renumbered to compensate for a previous deletion and to maintain the sequence of the numbering. The additional amendment, which consists of a sentence appended to the rule, will reduce by half the number of contact hours required for certain individuals' first renewal of registration.

The normal registration period for professional nurses runs for two years; it starts on August 1 and ends on July 31 two years later. Although registration can be issued at any time to accommodate the individual nurse, it must terminate on the designated July 31. As a result, a nurse's initial registration period may be as short as seven months or as longas 18 months.

A professional nurse must obtain the required number of continuing education contact hours during a "participation period" which roughly corresponds to the registration period. 7 MCAR § 5.1031 A.2. and A.3. The participation period starts on June 1 and ends May 31 two years later. If a nurse's report of continuing education participation is adequate, and the fee is paid, the nurse is granted registration for the subsequent renewal period which starts August 1 and ends July 31 two years later. Currently, professional nurses must report that they have collected 15 contact hours of acceptable continuing education each participation period. In 1982, professional nurses will have to earn and report 30 contact hours to qualify for registration renewal.

Obtaining 15, or even 30 contact hours, of continuing education does not seem to be an undue burden when a nurse is allowed a 24 month period for the endeavor. As indicated previously, however, the period for collecting continuing education contact hours ends two months prior to the end of the registration period. Consequently, some nurses who obtained registration late in the registration period are now obligated to obtain the full quota of contact hours in the brief span of a few months to qualify for their first registration renewal.

The most severely disadvantaged nurses are those who obtain Minnesota licensure by interstate endorsement. Each year there are about 1000 RNs who obtain licensure by endorsement. These nurses can be unduly burdened by the Board's continuing education requirements because they generally migrate from states where continuing education is not required; only 12 states require continuing education requirements for nurse registration. As a result, the nurses moving into Minnesota probably have had minimal opportunity in their home jurisdiction to engage in learning experiences that would satisfy the requirements for acceptable continuing education activities as established by the Minnesota Board of Nursing.

Nurses who apply for Minnesota licensure by interstate endorsement are not compelled to report participation in continuing education activities to qualify for licensure. As an alternative they may certify that they have been employed as registered nurses during the two years prior to the application. About 75 percent of the applicants meet the recent employment qualification instead of the continuing education requirement. However, once licensed, this group experiences difficulty in collecting the required number of contact hours if they obtained their license late in the registration period. Under the current rule, these nurses must obtain 15 contact hours of continuing education within a few months. In 1982, the problem will grow worse as this same group will have to report that they have collected 30 contact hours within the same time span.

Two possible solutions are apparent: reduce the required number of contact hours; or, extend the participation period for persons obtaining a license within six months prior to the first day of the licensee's renewal period. If the participation period were extended, the initial registration period would have to be lengthened also because they are correlated. A longer initial registration period would cause the Minnesota Board of Nursing a loss of about $19,000 per year in revenues. In addition, it would be disruptive to the Board's current functioning if several different dates were employed as termination dates for a renewal or participation period. Thus, the best solution and the most equitable and reasonable one is to reduce the number of contact hours required for persons obtaining a license within six months prior to the first day of the licensee's renewal period.

7 MCAR § 5.1031 B.

~~8.~~7. Following each renewal date the Board may select a sample of licensees applying for registration renewal and require substantiation of participation in acceptable continuing education activities. Selected licensees shall submit in writing the following data obtained from each continuing education activity which verifies the information on the evidence form:

a. ~~objective(s)~~ Objective or objectives of each continuing education activity;

b. Verification received by the licensee of the number of contact hours and, for activities lasting four or more hours, a schedule listing time periods;

c. Documentation of each instructor's qualifications, such as education and experience;

d. Evidence that the licensee used the mechanism which was provided to determine if learning occurred. Acceptable methods may include but need not be limited to self-evaluation checklists or tests;

e. Written verification received by the licensee of participation in each continuing education activity, provided by an instructor involved with the continuing education activity or a designee;

f. The specific professional nursing content area to which each continuing education activity is related;

g. in 1986 and thereafter, proof of compliance with ~~7 MCAR § 5.1031~~ A.4; and

h. any additional documentation the Board deems necessary.

~~9.~~8. If a licensee cannot demonstrate that ~~he/she~~ he or she has sufficient hours of acceptable continuing education activities, the number of hours lacking to comply for that continuing education participation period shall be added to the contact hours required in the immediately succeeding period. This rule may be applied once for any one licensee.

These rules are renumbered to compensate for a previous deletion and to maintain the sequence of the numbering.

7 MCAR § 5.1031 B.

9. A licensee who defers a number of hours of continuing education to the immediately succeeding period pursuant to 8. shall be required to submit with the next renewal application substantiation of participation in continuing education activities that provided the number of contact hours required for that participation period as well as the number of contact hours which were deferred from the previous participation period.

This new rule is proposed to permit the Board to monitor the continuing education reports of licensees who defer compliance with some or all continuing education requirements.

As a qualification for registration renewal, all registered nurses are required to report that they have collected a prescribed number of continuing education contact hours. Nurses who are unable to satisfy this requirement are allowed a single opportunity to defer the deficit hours to the next participation period. The nurses who are granted deferment are informed of the exact number of contact hours they must collect during the next participation period to erase the deficit and to satisfy the ongoing contact hour requirement. For example, in 1980, 339 registered nurses asked to defer at least 1 contact hour or as much as all 15 contact hours to the next participation period. Their requests were granted and their registrations were renewed for the 1980-82 period on their pledge that they would erase the deficit in 1982 and would comply with continuing education requirements hereafter.

Under ordinary circumstances it would be unlikely that the continuing education reports submitted by these 339 nurses in 1982 would be subjected to close scrutiny. At the time of mass registration renewal all continuing education reports are forwarded to the Board of Nursing where they are screened for completeness and accuracy of entries only. Proof of authenticity is not required. At a later date the Board audits the records of one percent of randomly selected nurses. Those nurses are the only ones required to submit proof of compliance with continuing education requirements. The new rule would require nurses who have deferred continuing education hours to submit substantiation of continuing education with their applications.

This rule is reasonable as a licensee who has defaulted in meeting a primary requirement for registration renewal should be subjected to closer scrutiny during the next renewal process. Noncompliance with continuing education rules is permissible once without jeopardy to the nurse's registration. A second incident of noncompliance would subject the nurse to more stringent measures. The 1:100 chance of being selected in the random sampling does not represent adequate surveillance of the continuing education activities of those nurses who have deferred compliance with continuing education requirements. The Board requires proof that the noncompliance has not been repeated. Proof can be obtained only through a planned audit of the licensee's continuing education records. The nurse requesting deferment should be informed that his/her records will be audited automatically during the next renewal process.

7 MCAR § 5.1031 B.

10. A licensee in noncompliance with ~~7 MCAR § 5.1031~~ A.2., 3., 4., and 8. shall be subject to the conditions in ~~7 MCAR § 5.1031 B.8.~~7. By this rule an audit shall be automatic for a nurse who has been found in an audit of the immediately preceding continuing education participation period to be in noncompliance with the rules.

This rule is amended to reflect the fact that the referenced rule has been renumbered.

~~7 MCAR § 5.1032 Delinquent status.~~

~~A. A registered nurse who fails to apply for registration renewal or request nonpracticing status or is in noncompliance with 7 MCAR § 5.1031 shall be deemed delinquent and shall not be entitled to practice nursing in Minnesota.~~

~~B. Whenever a licensee is placed in the delinquent status the Board shall mail a notice to the licensee's last known address which indicates the license status and the requirements for removal from such status.~~

~~C. Failure to fulfill the requirements for registration renewal of nonpracticing status within four years after being found delinquent in a hearing shall constitute unethical conduct and provide grounds for suspension or revocation of a license.~~

~~D. Before August 1, 1980, the registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:~~

~~1. submit a signed application;~~

~~2. pay a delinquent fee of $4 for each year or part thereof during which the license was delinquent up to a maximum of $40, the penalty fee, and the renewal fee for the current period; and~~

~~3. submit evidence of competency in nursing before becoming actively reregistered if the license has been in the delinquent status for five or more years. Such evidence may include any of the following which occurred within the five year period prior to the submission of an application for a current renewal certificate;~~

~~a. employment as a registered nurse in another U.S. jurisdiction or foreign country;~~

~~b. completion of no less than one week of a refresher course;~~

~~c. participation in no less than 15 contact hours of nursing related education offerings;~~

~~d. participation in an orientation program at least one week in length conducted by an employer or potential employer; or~~

~~e. such other similar evidence the licensee chooses to submit.~~

~~E. On August 1, 1980, and thereafter each registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:~~

~~1. submit a signed application;~~

~~2. pay a delinquent fee of $4 for each year or part thereof during which the license was delinquent up to a maximum of $40, the penalty fee, and the renewal fee for the current period; and~~

~~3. submit evidence of meeting all requirements specified in 7 MCAR § 5.1031. Participation in continuing education activities shall have occurred during the two years prior to the submission of the application for registration renewal.~~

This rule is repealed to conform with the amendment to Minn. Stat. § 148.231, subd. 4 (1980). Minn. Laws 1981, ch. 94, § 4.

7 MCAR § 5.1033 ~~Nonpracticing status~~ Reregistration.

~~A. The Board shall change a registered nurse's license status to nonpracticing only at the end of a renewal period and upon receipt of a written request.~~

~~B. A licensee holding a current renewal certificate need not have met continuing education requirements to have his/her license placed in nonpracticing status.~~

~~C. A registered nurse holding a license which is in the delinquent status who applies for nonpracticing status shall pay all delinquent fees before such status shall be granted.~~

~~D. Before August 1, 1980, a registered nurse holding a license which is in nonpracticing status who applies for registration renewal shall:~~

~~1. submit a signed application;~~

~~2. pay the renewal fee for the current period; and~~

~~3. submit evidence of competency in nursing before becoming actively reregistered if the licensee has been in nonpracticing status for five or more years. Such evidence may include any of the following which occurred within the five year period prior to the submission of an application for a current renewal certificate.~~

~~a. employment as a registered nurse in another U.S. jurisdiction or foreign country;~~

~~b. completion of no less than one week of a refresher course;~~

~~c. participation in no less than 15 contact hours of nursing-related educational offerings;~~

~~d. participation in an orientation program at least one week in length conducted by an employer or potential employer; or~~

~~e. such other similar evidence the licensee chooses to submit.~~

~~E. On August 1, 1980, and thereafter, a registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:~~

A. The names of all nurses who do not return the renewal application, evidence form, renewal and penalty fees by November 1 of each renewal year shall be removed from the roster of individuals authorized to practice professional nursing during the current renewal period.

B. A nurse who applies for reregistration shall:

1. Submit a signed reregistration application;

2. Pay the renewal fee for the current period; and

3. Submit evidence of meeting all requirements specified in 7 MCAR § 5.1031. Participation in continuing education activities must have occurred during the 24 months prior to the submission of the application for ~~registration renewal~~ reregistration.

The title of the rule is changed and old Section A is repealed to conform with the terminology used in the amendment to Minn. Stat. § 148.231, subd. 5 (1980). Minn. Laws 1981, ch. 94, § 5.

The new 7 MCAR § 5.1033 A. is designed to identify how and when a registered nurse withdraws from registration. The rule also establishes a deadline for nurses to renew registration. After that date a nurse who wants to obtain registration must apply for reregistration.

The amendments to Minn. Stat. § 148.231 indicate that nurses need not request removal from the roster of nurses holding current registration. If a nurse returns the renewal application with fee and continuing education report, he or she will be renewed for the next registration period which starts on August 1. One might assume that a nurse who does not send any of the aforesaid forms to the Board does not want to renew registration for the next period and intends to withdraw from the practice of nursing as of August 1. However, an assumption of this nature may be erroneous. Past experiences indicate that many nurses simply forget to renew registration by July 31 and they usually correct the error in the next 3 months. For example, in 1978 the Board received 546 renewal applications in August, 198 in September, and 113 in October. The numbers of renewal applications received in the same three months in 1980 were comparable, i.e., 455 in August, 244 in September, and 221 in October. By November of each year only 70 to 80 renewal applications were received. Thus, the Board is proposing November 1 as the deadline date for renewal.

Renewing registration is a relatively uncomplicated process which can be completed fairly rapidly. If the procrastinating nurses are allowed to apply for registration renewal up to October 31 they and the Board will both realize some benefits. Usually the nurse will sign and return the same renewal application that was mailed to him or her earlier, complete the continuing education report, and send to the Board payment for the renewal fee and the customary late penalty fee. Thus, the nurse's registration can be restored without delay, because there is no

need for the Board and nurse to exchange a new set of forms, there are no additional clerical costs for the Board, and there are minimal mailing charges for the nurse and the Board.

Once a nurse's registration is removed from the roster of nurses holding current registration the process for regaining registration is more complicated. The nurse writes to request the special application, the Board's clerical staff initiates the application and sends it to the nurse for completion. The transaction is entered in a logbook and the correspondence is filed by clerical staff. The nurse, meanwhile, is required to provide actual evidence of participation in continuing education activities which may delay the submission of the application and could delay further the attainment of registration. The reregistration process is more costly in terms of time and effort for the nurse and the Board's clerical staff.

The new rule would allow registered nurses a three month grace period in which to renew registration. On November 1 those who have not renewed registration will have their names removed from the roster of nurses holding current registration. As of November 1 any nurse who requests registration for the current period will have to apply for reregistration.

Rules 7 MCAR § 5.1033 B. and C. are repealed to conform with the amendment to Minn. Stat. § 148.231, subds. 5 and 4, respectively. Minn. Laws 1981, ch. 94, §§ 5 and 4. Rule 7 MCAR § 5.1033 D. is repealed because the provisions of the rule expired on August 1, 1980, and thus, it has not been enforceable since that date. Rule 7 MCAR § 5.1033 C. is repealed to conform with an amendment to Minn. Stat. § 148.231, subds. 4 and 5 (1980). Minn. Laws 1981, ch. 94, §§ 4 and 5. New Rule 7 MCAR § 5.1033 B. is essentially old rule section 5.1033 E. relettered and reworded to conform to the amendment of Minn. Stat. § 148.231, subd. 5 (1980). Minn. Laws 1981, ch. 94, § 5.

7 MCAR § 5.1036 Verification of Minnesota license.

A. A registered nurse wishing to be licensed in another ~~U.S.~~ United States 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 nonpracticing 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 nonpracticing status.~~

~~C.~~ The fee for verification of a license shall be ~~$5.00~~ $5 for each verification.

~~D.~~C. 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~~ $3 may be charged.

The final phrase in 7 MCAR § 5.1036 A. is deleted to conform with amendments to Minn. Stat. § 148.231, subd. 5 (1980). Minn. Laws 1981, ch. 94, § 5. Rule 7 MCAR § 5.1036 B. is repealed to conform with amendments to Minn. Stat. § 148.231, subd. 4 (1980). Minn. Laws 1981, ch. 94, § 4. Old Rules 7 MCAR § 5.1036 C. and D. are relettered to compensate for the previous deletions and to maintain the sequence of lettering.

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

A clause is deleted to conform with Minn. Stat. § 148.294, subd. 3 (1980) as amended by Minn. Laws 1981, ch. 94, § 10.

~~7 MCAR § 5.2032 Delinquent status.~~

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

~~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 reregistered. 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.~~

This rule is repealed to conform with Minn. Stat. § 148.294, subd. 2 (1980) as amended by Minn. Laws 1981, ch. 94, § 10.

7 MCAR § 5.2033 ~~Nonpracticing status~~ Reregistration.

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

~~B.~~ The licensed practical nurse ~~who has been in the nonpracticing status~~ whose name has not been on the registration roster for five years or more must present evidence of competency in nursing before becoming ~~actively~~ reregistered. 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.~~ United States 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

6. Such other evidence as the Board may reasonably require.

~~C.~~B. The licensee ~~who has been in the nonpracticing status~~ whose name has not been on the registration roster for less than five years will be granted ~~renewal of registration upon notification to the Board of intent to renew~~ reregistration upon submission of a signed reregistration application and payment of the renewal fee for the current period.

The title of the rule is changed to conform with the terminology used in Minn. Stat. § 148.294, subd. 3, as amended by Minn. Laws 1981, ch. 94, § 10. Rule 7 MCAR § 5.2033 A. is repealed to conform with Minn. Stat. § 148.294, subd. 2, as amended by Minn. Laws 1981, ch. 94, § 10. Old Rule 7 MCAR § 5.2033 B. is relettered to compensate for the previous deletion. The first deleted phrase is reworded to conform with Minn. Stat. § 148.294, subd. 3, as amended by Minn. Laws 1981, ch. 94, § 10. The second phrase is deleted to be consistent with requirements enforced for other application forms. Old Rule 7 MCAR § 5.2033 C. is relettered to compensate for the previous deletion and to maintain the sequence of lettering. The first and second deleted phrases are reworded to conform with Minn. Stat. § 148.294, subd. 3, as amended by Minn. Laws 1981, ch. 94, § 10.

7 MCAR § 5.2036 Verification of Minnesota license.

A. A licensed practical nurse wishing to be licensed in another ~~U.S.~~ United States 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 nonpracticing 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 nonpracticing status.~~

~~C.~~ The fee for verification of a license shall be ~~$5.00~~ $5 for each verification.

~~D.~~C. 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~~ $3 may be charged.

A phrase is deleted in 7 MCAR § 5.2036 A. to conform with Minn. Stat. § 148.294, subd. 3, as amended by Minn. Laws 1981, ch. 94, § 10. Rule 7 MCAR § 5.2036 B. is deleted to conform with Minn. Stat. § 148.294, subd. 2, as amended by Minn. Laws 1981, ch. 94, § 10. Old Rules 7 MCAR § 5.2036 C. and D. are relettered to compensate for the previous deletion and to maintain the sequence of lettering.

III.

NEED FOR AND REASONABLENESS OF AMENDMENTS TO 7 MCAR § 5.2030

7 MCAR § 5.2030 Renewal of registration.

A. Each licensee is responsible for applying for renewal of registration if ~~he/she~~ he or 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~~ receiving a signed application and the renewal fee. ~~Beginning with the 1978 renewal period, the annual fee shall be $7.~~

B. Effective January 1, 1982, approximately one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1982, and one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1983. Thereafter, the renewal period for all licensees shall be 24 months in length, beginning January 1 and ending December 31. There shall be even-year renewal periods and odd-year renewal periods.

C. The renewal fee shall be $15 per 24-month renewal period, effective January 1, 1982. Licensees whose registrations expire December 31, 1982, shall pay $7.50.

~~B.~~D. 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.

The proposed amendments to 7 MCAR § 5.2030 would change the length of the registration period for LPNs. Currently, LPNs are registered each year for a 12 month period. Renewing registrations is a detailed, expensive process. Repeating the process on an annual basis multiplies the expenses and expands the workload of the Board, yet contributes minimal benefit for LPNs.

If the registration period was extended to two years as proposed in the amendments to 7 MCAR § 5.2030 B. the Board would gain noticeable benefits. For instance, the work assignments associated with registration renewal could be

distributed over a two-year period thereby providing opportunity for more equitable concentration on other responsibilities. In addition, postage expenses incurred by the Board would be reduced. Currently, applications and certificates of registration are issued by the Information Services Bureau (ISB), Department of Administration. The charges levied by ISB for the services are a significant factor in the Board's budget. Postage fees for mailing the applications and certificates are heavy. In 1977 approximately 12,500 LPNs renewed registration; in 1980 about 16,000 LPNs renewed registration. Because the number of registered LPNs seems to be increasing, the Board would have to increase both its clerical staff and its work and storage space if it continued to register each of these licensees annually. It would, of course, also have to require a compensatory increase in fees.

Extending the registration period from 12 months to 24 months is by nature a mechanical change. There should be no deleterious effects on any licensee. Currently, the LPNs' registration begins on January 1 and expires 12 months later on December 31. The Board plans to retain the opening and closing dates of the registration period so the LPNs will experience minimal disruption of their customary practice of renewal. Furthermore the LPNs' registration dates avoid conflict with the registration renewal dates established for registered nurses.

In order to implement the two-year registration, the Board plans to divide, as evenly as possible, the licensees into two groups, each group scheduled to renew registration in alternate years. Assignment to a group will probably be based of license number. One group will consist of nurses whose license numbers end in odd numbers. The wother group will consist of nurses whose license numbers end in even numbers. As a result, each year about 8,000 LPNs would go through the registration renewal process, rather than the entire population of LPNs, which numbers about 16,000.

The proposed amendments to 7 MCAR § 5.2030 A. would delete the reference to an annual registration so that section A. conforms to section B. The signature of the nurse on the application is currently being requested. It constitutes a formal request for a registration status during the ensuing period and serves as identIficadion. The sTatement of fee would be deleted from suction A. and moved to a new section C. Proposed 7 MCAR§ 5.2030 D. is merely old section B. relettered.

IV.

FEE ADJUSTMENT

Pursuant to Minn. Stat. § 214.06, subd. A (1980) the Board is adjusting the LPN renewal fee from $7.00 per 12-month registration period to $15.00 per 24-month registration period. Minn. Stat. § 214.06 authorizes the Board to adjust its fees without a public hearing and, thus, the Board is not including 7 MCAR § 5.2030 C. as a proposed amendment. Nevertheless, the public should hereby be advised of this fee adjustment.

Dated: Oct. 15, 1981

BEFORE THE MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Secretary

Minnesota Board of Nursing

Proposed Amendments to 7 MCAR §§ 5.1030 *et seq.* and 7 MCAR § 5.2030 *et seq.* Repealing References to Nonpracticing and Delinquent Licenses of Registered Nurses and Licensed Practical Nurses and Providing for a Two Year Registration Renewal Period for Licensed Practical Nurses

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Board of Nursing (hereinafter "board") proposes to amend rules 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2030-5.2033 and 5.2036. The proposed amendments would repeal all references to "nonpracticing" and "delinquent" licenses of registered nurses and licensed practical nurses and would change the length of the registration period for licensed practical nurses from 12 to 24 months. In addition, the proposed rule changes will delete the reference to an annual fee in 7 MCAR § 5.2030 A., will reduce the number of continuing education contact hours required for the first renewal for persons licensed within six months prior to the first day of that first renewal and will permit the board to require substantiation of continuing education for certain individuals who have deferred a number of hours to a succeeding renewal period. A copy of the proposed amendments is attached to this notice.

The board has determined that these proposed amendments will be uncontroversial in nature. Therefore, this proceeding is being made under the provision of Minn. Stat. § 15.0412, subd. 4(g) (1980) which provides for an expedited process for the adoption of uncontroverted administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;

3. All comments and any written requests for a public hearing shall be submitted to Joyce M. Schowalter, Executive Secretary, Minnesota Board of Nursing, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414;

4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;

5. Authority to amend 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2030-5.2033 and 5.2036 is contained in Minn. Stat. §§ 214.06, subd. 2, 148.191, subd. 2 (1980) and Minn. Laws of 1981, ch. 94, § 10. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Ms. Schowalter at the above-listed address;

6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Ms. Schowalter at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. § 15.0412, subds. 4-4f.;

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

The public is hereby further advised that:

The board is adding a subpart C. to 7 MCAR § 5.2030 to read as follows:

C. The renewal fee shall be $15.00 per renewal period, effective January 1, 1982. Licensees whose registrations expire December 31, 1982, shall pay $7.50.

~~B.~~ D. 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.

As a result of the new proposed subparts B. and C., old subpart B. will be relettered as D.

Minn. Stat. § 214.06, subd. 1 (1980) authorizes the board to adjust its fees without a public hearing. Thus, the board is not including 7 MCAR § 5.2030 C. as a proposed amendment in the rulemaking process.

October 12, 1981

Joyce M. Schowalter
Executive Secretary

Rules as Proposed

7 MCAR § 5.1030 Introduction and definitions.

A. [Unchanged.]

B. Definitions.

1.-9. [Unchanged.]

10. "Registration" means the process by which the names and original license numbers of individuals licensed by the board are recorded on a roster to designate that the individuals are authorized to engage in professional nursing during a renewal period.

11. [Unchanged.]

12. "Registration renewal" means the periodic process ~~by which the Board confers legal authority upon~~ whereby an individual who is licensed and registered with the board ~~authorizing the person to continue engaging in professional nursing~~ requests and obtains registration for the next renewal period.

13.-15. [Unchanged.]

16. "Re-registration" means the process whereby a licensee regains the authority to practice professional nursing after a period of lapsed registration.

7 MCAR § 5.1031 Registration renewal.

A. Requirements.

1.-6. [Unchanged.]

7. An applicant for registration renewal~~, except if in the nonpracticing status,~~ shall pay a penalty fee of ~~$4~~ as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31~~,~~ of the year in which it was due.

8.-11. [Unchanged.]

B. Procedure.

1.-3. [Unchanged.]

~~4. A licensee's renewal application, evidence form and renewal fee postmarked on August 1, or later, shall be considered delinquent.~~

~~5.~~ Information to be provided by the licensee on an evidence form shall include:

a. Identification of the licensee;

b. Identification of the continuing education activities;

c. Verification that the continuing education activities met all the criteria specified in ~~7 MCAR § 5.1031~~ A. and that the information contained on the form is true in every respect; and

d. Licensee's signature and date signed.

~~6.~~ 5. If the application form, evidence form, or renewal fee submitted by a licensee is incomplete, incorrect, or in noncompliance with ~~these rules~~ 7 MCAR § 5.1031, the licensee shall be notified as to the reason for the rejection and all documents shall be returned to the licensee within 30 calendar days after ~~receipt~~ the board receives them.

~~7.~~ 6. If an individual is granted a Minnesota license within six calendar months prior to the first day of licensee's renewal period, the license fee shall serve as payment for the first renewal period. Fifteen contact hours of acceptable continuing education activities shall be required for the first registration renewal.

~~8.~~ 7. Following each renewal date the board may select a sample of licensees applying for registration renewal and require substantiation of participation in acceptable continuing education activities. Selected licensees shall submit in writing the following data obtained from each continuing education activity which verifies the information on the evidence form:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

a. ~~objective(s)~~ Objective or objectives of each continuing education activity;

b. Verification received by the licensee of the number of contact hours and, for activities lasting four or more hours, a schedule listing time periods;

c. Documentation of each instructor's qualifications, such as education and experience;

d. Evidence that the licensee used the mechanism which was provided to determine if learning occurred. Acceptable methods may include but need not be limited to self-evaluation checklists or tests;

e. Written verification received by the licensee of participation in each continuing education activity~~,~~ provided by an instructor involved with the continuing education activity or a designee;

f. The specific professional nursing content area to which each continuing education activity is related;

g. In 1986 and thereafter, proof of compliance with ~~7 MCAR § 5.1031~~ A.4.; and

h. Any additional documentation the board deems necessary.

~~9.~~ 8. If a licensee cannot demonstrate that ~~he/she~~ he or she has sufficient hours of acceptable continuing education activities, the number of hours lacking to comply for that continuing education participation period shall be added to the contact hours required in the immediately succeeding period. This rule may be applied once for any one licensee.

9. A licensee who defers a number of hours of continuing education to the immediately succeeding period pursuant to 8. shall be required to submit with the next renewal application substantiation of participation in continuing education activities that provided the number of contact hours required for that participation period as well as the number of contact hours which were deferred from the previous participation period.

10. A licensee in noncompliance with ~~7 MCAR § 5.1031~~ A.2., 3., 4., and 8. shall be subject to the conditions in ~~7 MCAR § 5.1031 B.~~ 8 7. By this rule an audit shall be automatic for a nurse who has been found in an audit of the immediately preceding continuing education participation period to be in noncompliance with the rules.

7 MCAR § 5.1033 ~~Nonpracticing status~~ Re-registration.

~~A. The Board shall change a registered nurse's license status to nonpracticing only at the end of a renewal period and upon receipt of a written request.~~

~~B. A licensee holding a current renewal certificate need not have met continuing education requirements to have his/her license placed in nonpracticing status.~~

~~C. A registered nurse holding a license which is in the delinquent status who applies for nonpracticing status shall pay all delinquent fees before such status shall be granted.~~

~~D. Before August 1, 1980, a registered nurse holding a license which is in nonpracticing status who applies for registration renewal shall:~~

~~1. submit a signed application;~~

~~2. pay the renewal fee for the current period; and~~

~~3. submit evidence of competency in nursing before becoming actively re-registered if the licensee has been in nonpracticing status for five or more years. Such evidence may include any of the following which occurred within the five year period prior to the submission of an application for a current renewal certificate.~~

~~a. employment as a registered nurse in another U.S. jurisdication or foreign country;~~

~~b. completion of no less than one week of a refresher course;~~

~~c. participation in no less than 15 contact hours of nursing-related educational offerings;~~

~~d. participation in an orientation program at least one week in length conducted by an employer or potential employer; or~~

~~e. such other similar evidence the licensee chooses to submit.~~

~~E. On August 1, 1980, and thereafter, a registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:~~

A. The names of all nurses who do not return the renewal application, evidence form, renewal, and penalty fees by November 1 of each renewal year shall be removed from the roster of individuals authorized to practice professional nursing during the current renewal period.

B. A nurse who applies for re-registration shall:

1. Submit a signed re-registration application;

2. Pay the renewal fee for the current period; and

3. Submit evidence of meeting all requirements specified in 7 MCAR § 5.1031. Participation in continuing education activities must have occurred during the 24 months prior to the submission of the application for ~~registration renewal~~ re-registration.

7 MCAR § 5.1036 Verification of Minnesota license.

A. A registered nurse wishing to be licensed in another ~~U.S.~~ United States 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 nonpracticing 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 nonpracticing status.~~

~~C.~~ The fee for verification of a license shall be ~~$5.00~~ $5 for each verification.

~~D.~~ C. 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~~ $3 may be charged.

7 MCAR § 5.2030 Renewal of registration.

A. Each licensee is responsible for applying for renewal of registration if ~~he/she~~ he or 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~~ receiving a signed application and the renewal fee. ~~Beginning with the 1978 renewal period, the annual fee shall be $7.~~

B. Effective January 1, 1982, approximately one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1982, and one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1983. Thereafter, the renewal period for all licensees shall be 24 months in length, beginning January 1 and ending December 31. There shall be even-year renewal periods and odd-year renewal periods.

C. The renewal fee shall be $15 per 24-month renewal period, effective January 1, 1982. Licensees whose registrations expire December 31, 1982, shall pay $7.50.

~~B.~~ D. 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.

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

7 MCAR § 5.2033 ~~Nonpracticing status~~ Re-registration.

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

~~B.~~ The licensed practical nurse ~~who has been in the nonpracticing status~~ whose name has not been on the registration roster 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.~~ United States 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

6. Such other evidence as the board may reasonably require.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

~~C.~~ B. The licensee ~~who has been in the nonpracticing status~~ whose name has not been on the registration roster for less than five years will be granted ~~renewal of registration upon notification to the Board of intent to renew~~ re-registration upon submission of a signed re-registration application and payment of the renewal fee for the current period.

7 MCAR § 5.2036 Verification of Minnesota license.

A. A licensed practical nurse wishing to be licensed in another ~~U.S.~~ United States 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 nonpracticing 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 nonpracticing status.~~

~~C.~~ The fee for verification of a license shall be ~~$5.00~~ $5 for each verification.

~~D.~~ C. 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~~ $3 may be charged.

Repealer. Rules 7 MCAR §§ 5.1032 and 5.2032 are repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Corrections

Adopted Rules Governing Adult Detention Facilities

The rules proposed and published at *State Register*, Volume 5, Number 45, Pages 1803-1820, May 11, 1981 (5 S.R. 1803), are now adopted with the following modifications:

Rules as Adopted

11 MCAR § 2.171 Introduction. ~~Section 1,~~ Minn. Stat. § 241.021, subd. 1 ~~(1974) as amended by Laws of 1976, ch. 299, to be effective July 1, 1976,~~ provides that the Commissioner of Corrections promulgate rules establishing minimum standards for all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are minimum standards for holding facilities, lockups, jails and adult corrections facilities in the State of Minnesota. Facilities which house males and females shall provide comparable care for each group. Facilities housing juveniles must meet the special criteria established for that group. All inspections made by the department shall be according to the standard in this rule and shall compare the care level for male and female groups.

11 MCAR § 2.172 Definitions. For the purpose of these rules:

B. "Adult corrections facility" shall mean a secure detention facility ~~use~~ used to confine prisoners for periods of time not to exceed one (1) full year per conviction.

F. "Controlled substance" shall mean a drug, substance or immediate ~~precussor~~ precursor in Schedules I through V of Minn. Stat. § 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor or tobacco.

I. "Disciplinary segregation" shall mean that status assigned a prisoner following a hearing in which the prisoner was found guilty of violating a facility rule or state or federal law or the status assigned a prisoner prior to a hearing when segregating the

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

December 4, 1981

ADDRESS REPLY TO:
136 UNIVERSITY PARK PLAZA BLDG.
2829 UNIVERSITY AVENUE S.E.
MINNEAPOLIS, MN 55414
TELEPHONE: (612) 341-7272

Mr. Ted Grindal
Mr. Ted Martinez
Special Assistant
Attorneys General
Administration Division
530 State Office Building
435 Park Street
St. Paul, Minnesota 55155

Re: Proposed Amendments to 7 MCAR § 5.1030 et seq. and 7 MCAR § 5.2030 et seq.

Dear Mr. Grindal and Mr. Martinez:

Pursuant to 1 MCAR § 1.203 please find enclosed for your review and approval:

1. Rules as Adopted (original and three copies. No changes were made in the rules from the form that they were originally published in the State Register).

2. Order Adopting Rules (original and three).

3. Certificate of Board's Resolution Adopting Rules.

4. Order for Notice of Intent to Adopt a Rule Without a Public Hearing.

5. Certificate of Board's Authorizing Resolution.

6. Notice of Intent to Adopt a Rule Without a Public Hearing.

7. Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing.

8. Certificate of Mailing List.

9. Rules as Proposed (copy of State Register dated October 26, 1981).

10. Statement of Need and Reasonableness.

11. An Affidavit stating that no written comments on the rules or requests for a public hearing were received and no one requested Notice of Submission to the Attorney General.

12. Certificate of Compliance with Rulemaking Procedures.

Very truly yours,

Joanne M. Ogata

JOANNE M. OGATA
Special Assistant
Attorney General

JMO:sd

Enclosures

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
and 7 MCAR § 5.2030 et seq.
Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
and Licensed Practical Nurses
and Providing For a Two Year
Registration Renewal Period
For Licensed Practical Nurses

AFFIDAVIT

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Joyce M. Schowalter, being first duly sworn upon oath, deposes and says:

1. That on October 26, 1981, a Notice of Intent to Adopt Rules Without a Public Hearing was published in the State Register and on October 22, 1981, the same Notice was mailed to persons who have requested to be informed of rulemaking activity by the Minnesota Board of Nursing.

2. That to date no one has requested a rule hearing, no one has submitted any comments on the rules, nor has anyone requested to be informed of submission of the rules to the Attorney General's office for review as to form and legality.

FURTHER AFFIANT SAYETH NOT.

Dated: December 4, 1981

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

Subscribed and sworn to before me
this 4th day of December, 1981.

Alice D. Hummer

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
and 7 MCAR § 5.2030 et seq.
Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
and Licensed Practical Nurses
and Providing For a Two Year
Registration Renewal Period
For Licensed Practical Nurses

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General Joanne M. Ogata, do hereby declare that I have examined the above-captioned rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed without any exceptions.

Dated: December 4, 1981

Joanne M. Ogata

JOANNE M. OGATA
Special Assistant
Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : Joyce M. Schowalter
Executive Secretary
Board of Nursing

DATE: December 16, 1981

FROM : Ted Grindal JUW
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Amendments to 7 MCAR § 5.1030 et seq. and 7 MCAR § 5.2030 et seq. Repealing References to Non-practicing and Delinquent Licenses of Registered Nurses and Licensed Practical Nurses and Providing For a Two Year Registration Renewal Period For Licensed Practical Nurses

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Rules as Adopted

7 MCAR S 5.1030 Introduction and definitions.

A. [Unchanged.]

B. Definitions.

1.-9. [Unchanged.]

10. "Registration" means the process by which the names and original license numbers of individuals licensed by the board are recorded on a roster to designate that the individuals are authorized to engage in professional nursing during a renewal period.

11. [Unchanged.]

12. "Registration renewal" means the periodic process ~~by which the Board confers legal authority upon~~ whereby an individual who is licensed and registered with the board ~~authorizing the person to continue engaging in professional nursing~~ requests and obtains registration for the next renewal period.

13.-15. [Unchanged.]

16. "Re-registration" means the process whereby a licensee regains the authority to practice professional nursing after a period of lapsed registration.

7 MCAR S 5.1031 Registration renewal.

A. Requirements.

1.-6. [Unchanged.]

7. An applicant for registration renewal~~, except if in the nonpracticing status,~~ shall pay a penalty fee of $4 as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31~~,~~ of the year in which it was due.

8.-11. [Unchanged.]

B. Procedure.

1.-3. [Unchanged.]

4. ~~A licensee's renewal application, evidence form and renewal fee postmarked on August 1, or later, shall be considered delinquent.~~

~~5.~~ Information to be provided by the licensee on an evidence form shall include:

a. Identification of the licensee;

b. Identification of the continuing education activities;

c. Verification that the continuing education activities met all the criteria specified in ~~7 MCAR S 5.1031~~ A. and that the information contained on the form is true in every respect; and

d. Licensee's signature and date signed.

~~6.~~ 5. If the application form, evidence form, or renewal fee submitted by a licensee is incomplete, incorrect, or in noncompliance with ~~these rules~~ 7 MCAR S 5.1031, the licensee shall be notified as to the reason for the rejection and all documents shall be returned to the licensee within 30 calendar days after ~~receipt~~ the board receives them.

~~7.~~ 6. If an individual is granted a Minnesota license within six calendar months prior to the first day of licensee's renewal period, the license fee shall serve as payment for the first renewal period. Fifteen contact hours of acceptable continuing education activities shall be required for the first registration renewal.

~~8.~~ 7. Following each renewal date the board may select a sample of licensees applying for registration renewal and require substantiation of participation in acceptable continuing education activities. Selected licensees shall submit in writing the following data obtained from each continuing education activity which verifies the information on the evidence form:

a. ~~objective(s)~~ Objective or objectives of each continuing education activity;

b. Verification received by the licensee of the number of contact hours and, for activities lasting four or more hours, a schedule listing time periods;

c. Documentation of each instructor's qualifications, such as education and experience;

d. Evidence that the licensee used the mechanism which was provided to determine if learning occurred. Acceptable methods may include but need not be limited to self-evaluation checklists or tests;

e. Written verification received by the licensee of participation in each continuing education activity, provided by an instructor involved with the continuing education activity or a designee;

f. The specific professional nursing content area to which each continuing education activity is related;

g. In 1986 and thereafter, proof of compliance with 7 MCAR § 5.1031 A.4.; and

h. Any additional documentation the board deems necessary.

9. 8. If a licensee cannot demonstrate that ~~he/she~~ he or she has sufficient hours of acceptable continuing education activities, the number of hours lacking to comply for that continuing education participation period shall be added to the contact hours required in the immediately succeeding period. This rule may be applied once for any one licensee.

9. A licensee who defers a number of hours of continuing education to the immediately succeeding period pursuant to 8. shall be required to submit with the next renewal application substantiation of participation in continuing education activities that provided the number of contact hours required for that participation period as well as the number of contact hours which were deferred from the previous participation period.

10. A licensee in noncompliance with 7 MCAR § 5.1031 A.2., 3., 4., and 8. shall be subject to the conditions in 7 MCAR § 5.1031 B. 8 7. By this rule an audit shall be automatic for a nurse who has been found in an audit of the immediately preceding continuing education participation period to be in noncompliance with the rules.

7 MCAR S 5.1033 ~~Nonpracticing status~~ Re-registration.

~~A. The Board shall change a registered nurse's license status to nonpracticing only at the end of a renewal period and~~

upon receipt of a written request.

B. A licensee holding a current renewal certificate need not have met continuing education requirements to have his/her license placed in nonpracticing status.

C. A registered nurse holding a license which is in the delinquent status who applies for nonpracticing status shall pay all delinquent fees before such status shall be granted.

D. Before August 1, 1980, a registered nurse holding a license which is in nonpracticing status who applies for registration renewal shall:

1. submit a signed application;

2. pay the renewal fee for the current period; and

3. submit evidence of competency in nursing before becoming actively re-registered if the licensee has been in nonpracticing status for five or more years. Such evidence may include any of the following which occurred within the five year period prior to the submission of an application for a current renewal certificate:

a. employment as a registered nurse in another U.S. jurisdication or foreign country;

b. completion of no less than one week of a refresher course;

c. participation in no less than 15 contact hours of nursing-related educational offerings;

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

e. such other similar evidence the licensee chooses to submit.

E. On August 1, 1980, and thereafter, a registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:

A. The names of all nurses who do not return the renewal application, evidence form, renewal, and penalty fees by November 1 of each renewal year shall be removed from the roster of individuals authorized to practice professional nursing

during the current renewal period.

B. A nurse who applies for re-registration shall:

1. Submit a signed re-registration application;

2. Pay the renewal fee for the current period; and

3. Submit evidence of meeting all requirements specified in 7 MCAR S 5.1031. Participation in continuing education activities must have occurred during the 24 months prior to the submission of the application for ~~registration renewal~~ re-registration.

7 MCAR S 5.1036 Verification of Minnesota license.

A. A registered nurse wishing to be licensed in another ~~U. S.~~ United States 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 nonpracticing 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 nonpracticing status.~~

~~C.~~ The fee for verification of a license shall be ~~$5.00~~ $5 for each verification.

~~D.~~ C. 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~~ $3 may be charged.

7 MCAR S 5.2030 Renewal of registration.

A. Each licensee is responsible for applying for renewal of registration if ~~he/she~~ he or 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~~ receiving a signed application and the renewal fee. ~~Beginning with the 1978 renewal period, the annual fee shall be $7.~~

B. Effective January 1, 1982, approximately one-half of all licensees shall be issued registration renewal certificates

which expire on December 31, 1982, and one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1983. Thereafter, the renewal period for all licensees shall be 24 months in length, beginning January 1 and ending December 31. There shall be even-year renewal periods and odd-year renewal periods.

C. The renewal fee shall be $15 per 24-month renewal period, effective January 1, 1982. Licensees whose registrations expire December 31, 1982, shall pay $7.50.

~~B.~~ D. 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.

7 MCAR S 5.2031 Penalty. An applicant for renewal of registration~~, except if in nonpracticing status~~, shall pay a late penalty fee of $4 as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

7 MCAR S 5.2033 ~~Nonpracticing status~~ Re-registration.

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

B. The licensed practical nurse ~~who has been in the nonpracticing status~~ whose name has not been on the registration roster 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.~~ United States 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

6. Such other evidence as the board may reasonably require.

~~C.~~ B. The licensee ~~who has been in the nonpracticing status~~ whose name has not been on the registration roster for less than five years will be granted ~~renewal of registration upon notification to the Board of intent to renew~~ re-registration upon submission of a signed re-registration application and payment of the renewal fee for the current period.

7MCAR S 5.2036 Verification of Minnesota license.

A. A licensed practical nurse wishing to be licensed in another ~~U.S.~~ United States 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 nonpracticing 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 nonpracticing status.~~

~~C.~~ The fee for verification of a license shall be ~~$5.00~~ $5 for each verification.

~~B.~~ C. 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~~ $3 may be charged.

Repealer. Rules 7 MCAR SS 5.1032 and 5.2032 are repealed.

APPROVED AS TO LEGALITY

Dec 15 19 81

WARREN SPANNAUS, ATTORNEY GENERAL

BY H Theodora Gaudet

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 16 1981

Joan Anderson Growe
Secretary of State

10:10 A.M.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
and 7 MCAR § 5.2030 et seq.
Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
and Licensed Practical Nurses
and Providing For a Two Year
Registration Renewal Period
For Licensed Practical Nurses

ORDER ADOPTING
RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on October 26, 1981, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4, on October 22, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as the Proposed Amendments to 7 MCAR § 5.1031 et seq. and 7 MCAR § 5.2030 et seq. are adopted this 4th day of December, 1981, pursuant to authority vested in the Board by Minnesota Statutes sections 148.231, 148.294, 148.191, 148.296 and 214.06.

Dated: December 4, 1981

BEFORE THE MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
and 7 MCAR § 5.2030 et seq.
Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
and Licensed Practical Nurses
and Providing For a Two Year
Registration Renewal Period
For Licensed Practical Nurses

ORDER FOR NOTICE OF
INTENT TO ADOPT RULES
WITHOUT A PUBLIC HEARING

IT IS ORDERED this 20th day of October, 1981, that Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Board of Nursing for that purpose and be published in the State Register.

Dated: Oct. 20, 1981

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

CERTIFICATE OF BOARD OF NURSING

AUTHORIZING RESOLUTION

I, Joyce M. Schowalter, 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 7th day of August, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

> RESOLVED, that Joyce M. Schowalter, 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 registration renewal by registered nurses and licensed practical nurses as well as perform any and all acts incidental 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 20th day of October, 1981.

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
and 7 MCAR § 5.2030 et seq.
Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
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For Licensed Practical Nurses

NOTICE OF INTENT
TO ADOPT RULES
WITHOUT A PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Nursing (hereinafter "Board") proposes to amend rules 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2030-5.2033 and 5.2036. The proposed amendments would repeal all references to "nonpracticing" and "delinquent" licenses of registered nurses and licensed practical nurses and would change the length of the registration period for licensed practical nurses from 12 to 24 months. In addition, the proposed rule changes will delete the reference to an annual fee in 7 MCAR § 5.2030A, will reduce the number of continuing education contact hours required for the first renewal for persons licensed within six months prior to the first day of that first renewal and will permit the Board to require substantiation of continuing education for certain individuals who have deferred a number of hours to a succeeding renewal period. A copy of the proposed amendments is attached to this Notice.

The Board has determined that these proposed amendments will be uncontroversial in nature. Therefore, this proceeding is being made under the provision of Minn. Stat. § 15.0412, subd. 4(g) (1980) which provides for an expedited process for the adoption of uncontroverted administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;

3. All comments and any written requests for a public hearing shall be submitted to Joyce M. Schowalter, Executive Secretary, Minnesota Board of Nursing, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414;

4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;

5. Authority to amend 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2030-5.2033 and 5.2036 is contained in Minn. Stat. §§ 214.06, subd. 2, 148.191, subd. 2 (1980) and Minn. Laws 1981, ch. 94, Sec. 10. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Ms. Schowalter at the above-listed address;

6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Ms. Schowalter at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. § 15.0412, subd. 4-4f;

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the State Register of notice of the adoption of the change.

The public is hereby further advised that:

The Board is adding a subpart C to 7 MCAR § 5.2030 to read as follows:

C. The renewal fee shall be $15.00 per renewal period, effective January 1, 1982. Licensees whose registrations expire December 31, 1982, shall pay $7.50.

~~B.~~ D. 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.

As a result of the new proposed subparts B and C, old subpart B will be re-lettered as D.

Minn. Stat. § 214.06, subd. 1 (1980) authorizes the Board to adjust its fees without a public hearing. Thus, the Board is not including 7 MCAR § 5.2030C as a proposed amendment in the rulemaking process.

Dated: Oct. 12, 1981

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
and 7 MCAR § 5.2030 et seq.
Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
and Licensed Practical Nurses
and Providing For a Two Year
Registration Renewal Period
For Licensed Practical Nurses

CERTIFICATE OF
BOARD'S RESOLUTION
ADOPTING RULES

I, Joyce M. Schowalter, do hereby certify that I am the Executive Secretary of the 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 of Nursing, duly and properly called and held on the 4th day of December, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to the Proposed Amendments to 7 MCAR § 5.1030 et seq. and 7 MCAR § 5.2030 et seq. be and they hereby are approved and adopted, pursuant to the authority vested in us by Minnesota Statutes sections 148.231, 148.294, 128.191, 148.296 and 214.06 and that Joyce M. Schowalter, the Executive Secretary of the Board of Nursing, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 4th day of December, 1981.

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

A. Miller

Board Member

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
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Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
and Licensed Practical Nurses
and Providing For a Two Year
Registration Renewal Period
For Licensed Practical Nurses

AFFIDAVIT OF
MAILING

Patricia Harker, being first duly sworn, deposes and says:

That on the 22 day of October, 1981, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said city, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to:

the attached names
on the mailing list

Subscribed and sworn to before me
this 22nd day of October, 1981.

Alice D. Hummer

ALICE D. HUMMER
Notary Public, Ramsey Co. Minn.
My Commission Expires
Nov. 18, 1981

Practical Nursing Program
c/o District One Hospital
Faribault, MN. 55021

Jenny Amon
Riverview Hospital Assn.
323 South Minnesota
Crookston, MN. 56716

Robert Anderson
P.O. Box 22324
Sacramento, California 95822

Antitrust Division*
Minn. Attorney General's Office
2nd Floor Ford Building
117 University Ave.
St. Paul, MN. 55155

Natalie Atkins, Chairperson
College of St. Theresa
Department of Nursing
Winona, MN. 55987

Bonnie Bannanno
1745 University Ave. Room 300
St. Paul, MN. 55104

Helen E. Bell
Red Wing AVTI
Highway 58 & Pioneer Road
Red Wing, MN. 55066

Mary E. Blair, Director
St. Luke's Hospital
School of Nursing
915 East First Street
Duluth, MN. 55805

Shirley A. Brekken
Robertston Hall, UMC
Crookston, MN. 56716

John M. Broeker
2850 Metro Drive, Suite 800
Minneapolis, MN. 55420

Lucille Buelow, Divis. Mgr.
St. Paul Technical Vocational
Institute
235 Marshall Avenue
St. Paul, MN. 55102

321 W. 59th Street
Minneapolis, MN. 55419

Rick Carter
Minn. Assoc. of Health Care
Facilities
2850 Metro Drive, Suite 429
Minneapolis, MN. 55420

Wendy Chiodo
Director of Nursing
Nursing Services, Inc.
2829 Univ. Ave. S.E. Suite 726
Minneapolis, MN. 55414

Minn. Board of Chiropractic*
Examiners
717 Delaware St. S.E. Rm. 336
Minneapolis, MN. 55414

Jan Clausen
Director of Nurses
Gil Mor Manor
Morgan, MN. 56266

Margaret Cleveland
4720 McCulloch
Duluth, MN. 55804

Catherine Connell
Duluth AVTI
2101 Trinity Road
Duluth, MN. 55811

Sheila Corcoran
6239 St. John's Drive
Eden Prairie, MN. 55344

Jean Dawson, Editor*
The Minnesota Government Report
B-12 Press Room
State Capitol Bldg.
St. Paul, MN.

Dean, Science and Math Division
Bemidji State University
Bemidji, MN. 56601

Univ. of MN. School of Nursing
5-140 Unit F
308 Harvard Street
Minneapolis, MN. 55455

Betty Jo Dorschner
332 16th Street S.E.
Rochester, MN. 55901

Lynn L. Dykema
Director of Nursing
Willmar Community College
Willmar, MN. 56201

Ellen C. Egan
Univ. of MN. School of Nursing
5-140 Unit F
308 Harvard Street
Minneapolis, MN. 55455

Josephine Elioff, Coordinator
Eveleth AVTI Practical Nursing
Program
Highway 53
Eveleth, MN. 55734

Sharon Erickson, Coordinator
Thief River Falls AVTI
School of Practical Nursing
Thief River Falls, MN. 56701

Adella Espelien
1000 24th Avenue North
St. Cloud, MN. 56301

Julie Eszlinger*
Capitol Square Bldg. Rm. 546
550 Cedar Street
St. Paul, MN. 55101

Beryl Etter
Box 188
Menahga, MN. 56464

Audrey B. Fay, Director
Hibbing Community College
Associate Degree Nsg. Program
Hibbing, MN. 55746

Lois Fielding
Coordinator Nursing Program
Brainerd Community College
Brainerd,MN. 56401

Edith Flathmann, RN
St. Paul TVI Practical Nsg. Program
235 Marshall
St. Paul, MN. 55102

Dale Forseth*
Board of Dentistry
717 Delaware Street, Room 338
Minneapolis, MN. 55414

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Ave.
Minneapolis, MN. 55488

Conrad M. Fredin
Attorney at Law
811 First National Bank Bldg.
Duluth, MN. 55802

Jean Froemming
Director of Nursing
North Memorial Medical Center
3220 Lowry Avenue No.
Minneapolis, MN. 55422

Frundt, Frundt & Johnson
117 West 5th Street
Blue Earth, MN. 56013

Charles A. Geer
Dorsey, Windhorst, Hannaford, Whitney & Halladay
2300 First National Bank Bldg.
Minneapolis, MN. 55402

Gopher State Nurses Assoc.
867 Grand Avenue, Suite 205
St. Paul, MN. 55105

Lynn G. Gruber, Director
Dept. of Med. Serv. & Research
2221 Univ. Ave. S.E. Suite 400
Minneapolis, MN. 55414

Dorothy Hahn, RN
Director of Nursing
St. Joseph's Hospital
Pleasant Avenue
Park Rapids, MN. 56470

Theresa Haney, Coordinator
Practical Nursing Program
Detroit Lakes AVTI
Highway 34 East
Detroit Lakes, MN. 56501

Helen B. Hansen
4525 Clinton Avenue So.
Minneapolis, MN. 55409

Lodemia Hartley
914 W. 2nd Street
Northfield, MN. 55057

Miriam Hazzard
North Hennepin Comm. College
7411-85th Avenue North
Brooklyn Park, MN. 55445

Mary K. Henry
3001 University Ave. S.E.#507
Minneapolis, MN. 55414

Margaret Hermann, Director
Lutheran Deaconess Hospital School of Nursing
2315 -14th Avenue South
Minneapolis, MN. 55404

Marguerite Hessian
College of St. Catherine
2004 Randolph Avenue
St. Paul, MN. 55105

Barbara Hoff
Lakewood Community College
3401 Century Avenue
White Bear Lake, MN.. 55110

Hubbard County Nursing Service
Courthouse
Park Rapids, MN. 56470

Nancy C. Huhtala
Green Pines Acres Nursing Home
Box 130
Menahga, MN. 56464

Gertrude M. James
Anoka County Community Health & Social Services Dept.
Courthouse, 4th Floor
Anoka, MN. 55303

Harry Janky
1814 N.W. 16th Street
Faribault, MN. 55021

Evelyn L. Jernberg
Nursing Director
504 East 2nd Street
Duluth, MN. 55805

Hazel M. Johnson
Gustavus Adolphus College
St. Peter, MN. 56082

Sharon R. Johnson
Austin AVTI Program of Practical Nursing
1900 8th Avenue NW
Austin, MN. 55912

Elsie M. Kirkes
Itasca Memorial Hospital
126 First Avenue S.E.
Grand Rapids, MN. 55774

David Klanderman
1801 Willmar Avenue
Willmar, MN. 56201

Jane A. Kohner, Director
Practical Nursing Program
Winona AVTI
1250 Home Road
Winona, MN. 55987

R. J. Lavell
Deputy Commissioner
Dept. of Veterans Affairs
Veterans Service Bldg.
St. Paul, MN. 55155

Melba Leichsenring
Mankato State University School of Nursing
Mankato, MN. 56001

Eloise Lidke, Director Nsg. Service
Fairmont Community Hospital
835 Johnson Street
Fairmont, MN. 56031

Bevelyn D. Lindle
RR. 5, Box 363
Bemidji, MN. 56601

Dave Locey
2353 Rice Street N.
St. Paul, MN. 55113

Ruth M. Lunde
Minnesota Nurses Association
1821 University Avenue
St. Paul, MN. 55104

Mary McKee-Johnson
Inver Hills Community College
8445 College Trail
Inver Grove Heights, MN. 55075

Frances McLachlan
Northland Community College
Thief River Falls, MN. 56701

Mankato AVTI
School of Pract. Nsg. New Ulm Campus
601 First North Street
New Ulm, MN. 56073

Marie Menikheim
Metropolitan State University
121 Metro Square Bldg.
St.Paul, MN. 55101

Sylvia M. Mertens, Coordinator
St. Cloud AVTI
Practical Nursing Program
1540 Northway Drive
St. Cloud, MN. 56301

Sister Mary Jude Meyer
St. Cloud Hospital School of Nursing
13th St. & 6th Ave. No.
St. Cloud, MN. 56301

Phyllis Miller
Wells Municipal Hospital
400 4th Ave. SW
Wells, MN. 56097

Minnesota Federation of LPN, Inc.
5229 Elliot Ave. South
Minneapolis, MN. 55417

President
Minnesota League for Nursing
P.O. Box 35
Rosemount, MN. 55068

Dr. Karen L. Mokros, Chairperson
Dept. of Nursing
College of St. Scholastica
1200 Kenwood Avenue
Duluth, MN. 55811

Linnea Morrison
Rochester Community College
Assoc. Degree Nursing Program
Rochester, MN. 55901

Dorothy Mrkonich, Chairman
Department of Nursing
St. Olaf College
Northfield,MN. 55057

Verna Mulder
Worthington Community College
1450 College Way
Worthington, MN. 56187

Mary Ellen Murray
Normandale Community College
9700 France Avenue South
Bloomington, MN. 55431

Marilyn Oelfke
Director of Nursing
St. Mary's Hospital & Nsg. Ctr.
1014 Lincoln
Detroit Lakes, MN. 56501

Charlotte Olson, Director
Mounds-Midway School of Nursing
1700 Univ. Ave.
St. Paul, MN. 55104

Joyce I. Olson
P.O. Box 323
Thief River Falls, MN . 56701

Jan Opsal
Alexandria AVTI
1601 Jefferson Street
Alexandria, MN. 56308

Minnesota Board of Optometry*
Executive Secretary
717 Delaware St. SE
Minneapolis, MN. 55440

Pamela Parker, Long Term Care Ombudsman
Minnesota Board on Aging
204 Metro Square Bldg.
St. Paul, MN. 55101

Donna S. Peterson
PMJ Associates, Inc.
7601 Kentucky Ave.N. Suite 202
Brooklyn Park, MN. 55428

Minnesota Board of Pharmacy*
Executive Secretary
717 Delaware St. S.E. Rm 351
Minneapolis, MN. 55414

Jane Phillips
17 S. First Street #A201
Minneapolis, MN. 55401

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN. 55103

Peter S. Popovich
Peterson, Popovich, Knutson & Flynn
314 Minnesota Bldg.
St. Paul, MN. 55101

POST Board
500 Metro Square Bldg.
St. Paul, MN. 55101

Minnesota Board of Psychology*
Executive Secretary
717 Delaware Street SE #343
Minneapolis, MN. 55414

Jean Radtke
Mahnomen Co. Village Nursing Center
Mahnomen, MN. 56557

Sandra Rieschl
3815 W. Broadway
Robbinsdale, MN. 55422

Delloris Risbrudt
Fergus Falls Community College
Fergus Falls, MN. 56537

Sandra Robertson, Director
Dakota Co. AVTI
Practical Nursing Program
145th Street at Akron Ave.
Rosemount, MN. 55068

Susan P. Robertson
Executive Director
Room 430, State Office Bldg.
St. Paul, MN. 55155

Bruce T. Rowe, Administrator
Comm. Health Services Board
325 Lake Ave. So. Suite 604
Duluth, MN. 55802

Jane A. Rysavy, Coordinator
Nursing Program
Austin Comm. College
1600 N.W. 8th Avenue
Austin, MN. 55912

Linda Sandvig
Minnesota Nurses Association
1821 University Avenue
St. Paul, MN. 55104

Charlene Sawyer, Coordinator
Itasca Comm. College
Practical Nursing Program
Rt. 3
Grand Rapids, MN. 55744

Martha Schelling
Department of Nursing
Minneapolis Community College
1501 Hennepin Avenue
Minneapolis,MN. 55403

Lou Schroeder
Immanuel-St. Joseph Hospital
Mankato, MN. 56001

Bernice Schoenborn
1295 -10th Ave. North
St. Cloud, MN. 56301

Florence M. Schubert
Luther College Dept. of Nursing
Decorah, Iowa 52101

Cynthia Scott
Personnel Coordinator
Rochester Methodist Hospital
201 W. Center Street
Rochester, MN. 55901

Lilja A. Snyder
Polk County Nursing Service
P.O. Box 403
Crookston, MN. 56716

M. Jacquelyn Sowell, Director
Minneapolis AVTI Practical Nursing Program
1415 Hennepin Avenue
Minneapolis, MN. 55403

Bonnie M. Spencer, Director
State Regulatory Affairs
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201
Falls Church, Virginia 22041

Jean Spragg
Staff Development Supervisor
Virginia Regional Med. Center
901 9th Street North
Virginia, MN. 55792

Helen T. Stevenson, Director
Anoka Ramsey Community College
Assoc. in Arts Degree Nsg. Prog
11200 Mississippi Blvd. NW
Coon Rapids, MN. 55433

Susan Strohfus. RN
Third District Minn. Nurses Assoc.
2500 Park Avenue
Minneapolis, MN. 55404

Bette Struck
4560 146th Lane N.W.
Andover, MN. 55303

Marsha Marie Studer
Community Education Dept.
900 South 8th Street
Minneapolis,MN. 55404

Mary Jane Swinton, Supervisor
Health Occupations
Dakota County AVTI
145th St. at Akron Avenue
Rosemount, MN. 55068

Maryjane Telschow, RN, C
Golden Age Nursing Home
1415 W. County Road B
Roseville, MN. 55113

Alice R. Thompson
1615 America Avenue
Bemidji, MN. 56601

Jane Toddie, Director
St. Marys School of Practical Nursing
1216 Second Street S.W.
Rochester, MN. 55901

Valborg E. Tollefsrud
5513 Washburn Avenue So.
Minneapolis, MN. 55410

Charlotte Tracy, Director
St. Mary's Jr. College
Nursing Program
2500 S. 6th Street
Minneapolis, MN. 55454

Norma Treska
Brainerd AVTI
300 Quince Street
Brainerd, MN. 56401

Mary J. Van Dall
400 Shelard Plaza So.
Suite 270
Minneapolis, MN. 55426

Jan Vare
Hennepin Technical Centers
9000-77th Avenue North
Brooklyn Park, MN. 55445

Shirley Voigt
Clearbrook, MN. 56634

Sondra von Arb
Practical Nursing Program
Mankato AVTI
1920 Lee Blvd.
North Mankato, MN. 56001

Eva M. Vraspir
Moorhead State University
Department of Nursing
Moorhead, MN. 56560

Marilyn E. Wigness
120 S. LaBree Avenue
Thief River Falls, MN. 56701

Doris Yokie
5636 Girard Avenue South
Minneapolis, MN. 55419

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the
Proposed Amendments
to 7 MCAR § 5.1030 et seq.
and 7 MCAR § 5.2030 et seq.
Repealing References to
Nonpracticing and Delinquent
Licenses of Registered Nurses
and Licensed Practical Nurses
and Providing For a Two Year
Registration Renewal Period
For Licensed Practical Nurses

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota State Board of Nursing for the purpose of receiving notice of the proposed adoption of rules by this agency is accurate and complete as of 3:00 PM, this 20th day of October, 1981.

Joan M. Schmidt