

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

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

March 9, 1983

RECEIVED
MAR 1 1983
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Mr. Ted Grindal
Mr. Ted Martinez
Special Assistant
Attorneys General
Administration Division
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Re: Proposed amendments to rules relating to licensure fees, examinations, continuing education for professional nurses and reregistration.

Dear Mr. Grindal and Mr. Martinez:

Pursuant to 1 MCAR § 1.203, I have enclosed the following documents for review by the Attorney General's Office for form and legality:

1. Rules as Adopted
2. Findings of Fact, Conclusions of Law and Order
3. Certificate of Board's Resolution Adopting a Rule
4. Order for Notice of Intent to Adopt a Rule Without Public Hearing
5. Certificate of Board's Authorizing Resolution
6. Notice of Intent to Adopt a Rule Without Public Hearing
7. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing
8. Mailing List Certificate
9. Rule as Proposed (copy of State Register dated November 15, 1982)
10. Department of Finance Approval for Fee Change
11. Statement of Need and Reasonableness

12. Written comments on the rules as proposed

13. Certificate of Compliance with Rulemaking Procedures

14. Affidavit stating that fewer than 7 written comments or requests for a public hearing were received on the rules which the Board is adopting, and that no one requested notice of submission to the Attorney General's Office.

Very truly yours,

Beverly Conerton

BEVERLY CONERTON
Law Clerk

BC:lb

Enclosures

Our File No. 895

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-10-83
DATE FOR REVIEW 3-21-83
DATE DUE 3-24-83

Adopted w/a hearing _____
Adopted w/o hearing ↘
Temporary rule _____

Approved 3/24/83 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency 3/29/83

Date filed w/Secretary of State 3/29/83 Revisor approved 3/28/83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR

✓ Order Adopting 3.7.83 Date combined with F. of F.

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

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

✓ Mailing list Certificate

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

N/A Hearing Examiner's Report

Chief ~~Hearing~~ Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact combined with Order Adopting

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

✓ Petition for Adoption of a Rule

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

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

_____ Notice of Submission to the Attorney General

✓ Approval of Finance, pursuant to 214.06

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO JOYCE SCHOWALTER, EXECUTIVE SECRETARY DATE: 3/29/83

ATTN: TERRY O'BRIEN, SPECIAL ASSISTANT ATTORNEY GENERAL

FROM : LARRY D. STARNS LDS
SPECIAL ASSISTANT
ATTORNEY GENERAL

PHONE: 297-3493

SUBJECT: IN THE MATTER OF PROPOSED AMENDMENTS TO RULES RELATING TO LICENSURE FEES, EXAMINATIONS, CONTINUING EDUCATION FOR PROFESSIONAL NURSES AND REREGISTRATION.

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;

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.
LDS/LAS
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Board of Nursing

Adopted Amendments to Rules Relating to Licensure Fees, Examinations, Continuing Education for Professional Nurses and Reregistration

Rules as Adopted

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

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

1. The notarized application form,

2. The recommendation from the nursing program director and

3. The fee of $50, effective January 1, 1983.

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

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

1. The notarized application,

2. The recommendation from the nursing program director,

3. The fee of $50, effective January 1, 1983,

4. The affidavit of graduation and

5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

7 MCAR S 5.1004 Examination and reexamination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score on the Minnesota licensure examination, the National Council Licensure Examination (NCLEX-RN), shall be

a scaled score of at least 1600.

B. An applicant must pass the examination in not more than three writings within a 24 month period that begins on the date of the first examination of the cycle.

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

D. The fee for reexamination shall be $25, effective January 1, 1983, and is required for each reexamination whether one or more sections of the examination are to be rewritten at that time.

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

7 MCAR S 5.1021 Application.

The foreign educated nurse who has been licensed in another U.S. jurisdiction after passing the same examination as administered in Minnesota shall be licensed by interstate endorsement. He or she shall submit the same application as outlined in 7 MCAR S 5.1011, with the addition of a form indicating compliance with the United States Immigration and Naturalization Act.

The foreign educated nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass all parts of the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, immigration

form and the fee of $50, effective January 1, 1983. The board will schedule the foreign educated nurse to write the first examination available after the application is complete within the constraints of space, time, expense, and personnel.

7 MCAR S 5.1031 Registration renewal.

A. Requirements.

1.-3. [Unchanged.]

4. At least one of the acceptable continuing education activities required for registration renewal on or after August 1, 1986, shall require the licensee to show evidence that he ~~or~~ / she successfully demonstrated to the instructor skill in performing one or a portion of a professional nursing function as indicated in Minnesota Statutes 1976, section 148.171, clause (3).

5.-7. [Unchanged.]

8. In order for a continuing education activity to be acceptable to the board for registration renewal, a licensee ~~must~~ shall be able to substantiate that each of the criteria listed below has been met.

~~A-continuing-education-activity-that-is-approved-by-another board-of-nursing,-another-Minnesota-health-related-licensing board-as-defined-in-Minnesota-Statutes,-section-214.01, subdivision-2,-or-a-national,-regional,-or-out-of-state-nursing organization,-or-an-activity-that-is-conducted-or-sponsored-by-a national,-regional,-or-state-medical-organization,-is-acceptable even-if-criteria-c,-and-e,-are-not-met.~~

a.-i. [Unchanged.]

9.-11. [Unchanged.]

B. [Unchanged.]

7 MCAR S 5.1033 Reregistration.

A. [Unchanged.]

B. [Unchanged.]

C. A nurse who has been employed as a registered nurse in another state or country or in a federal facility located in Minnesota for a period of two years or more immediately

FOPF 4 - withdrawn for further study

preceding application for reregistration may substitute satisfactory employment references which encompass the entire employment period in lieu of the continuing education report.

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

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

1. The notarized application form,

2. The recommendation from the nursing program director, and

3. The fee of $35, effective January 1, 1983.

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

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

1. The notarized application,

2. The recommendation from the nursing program director,

3. The fee of $35, effective January 1, 1983,

4. The affidavit of graduation, and

5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

7 MCAR S 5.2003 Examination and reexamination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score on the Minnesota licensure examination, the National Council Licensure Examination (NCLEX-PN), shall be a scaled score of at least 350.

B. An applicant must pass the examination in not more than three writings within a 24 month period that begins on the date of the first examination of the cycle.

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

D. The fee for reexamination shall be $10, effective January 1, 1983 and is required for each reexamination.

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

7 MCAR S 5.2021 Application.

The foreign educated practical nurse who has been licensed in another U.S. jurisdiction after passing the same examination as administered in Minnesota shall be licensed by interstate endorsement. He or she shall submit the same application as outlined in 7 MCAR S 5.2011, with the addition of a form indicating compliance with the U.S. Immigration and Naturalization Act.

The foreign educated practical nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, the immigration form and the fee of $35, effective January 1, 1983. The board will schedule the applicant to write the first examination, available after the application is complete within the constraints of space, time, expense and personnel.

7 MCAR S 5.2030 Renewal of registration.

A. [Unchanged.]

B. [Unchanged.]

C. [Unchanged.]

D. If a person 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.

7 MCAR S 5.2033 Reregistration.

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

B. The licensed practical nurse whose name has not been on the registration roster for five years or more must present evidence of competency in nursing before becoming reregistered. Such evidence 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 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. The licensee whose name has not been on the registration roster for less than five years will be granted reregistration upon submission of a signed reregistration application and payment of the renewal fee for the current period.

APPROVED AS TO LEGALITY

March 24, 1983

HUBERT H. HUMPHREY, III

ATTORNEY GENERAL

BY Jerry D. Ams

SPECIAL ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF STATE

FILED

MAR 2 9 1983

2:50 P.M.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Amendments to
Rules Relating to Licensure
Fees, Examinations, Continuing
Education for Professional
Nurses and Reregistration

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 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1031, 5.2002, 5.2003, 5.2021, 5.2030 and 5.2033 without a public hearing. A copy of the proposed amendments is attached to this Notice.

The Board has determined that the proposed amendments will be noncontroversial in nature. Therefore, this proceeding is being made under the provisions of Minn. Stat. § 15.0412, subd. 4h (Supp. 1981) which provides for an expedited process for the adoption of noncontroversial 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 comments on the proposed rules with the exception of the fee changes in 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.2002, 5.2003 and 5.2021 which have been approved pursuant to Minn. Stat. § 214.06, subd. 1 (Supp. 1981) and are included here for information purposes only.

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, 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 substantial change in the proposed language;

5. Authority to amend these rules is contained in Minn. Stat. §§ 148.191, subd. 2, 148.296 and 214.12 (1980). Additionally, a Statement of Need and Reasonableness which 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. Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules As Adopted will be submitted to the Attorney General for review of the form and legality of the rule change, including the issue of substantial 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. 4-4g (Supp. 1981);

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.

Dated: Nov. 1, 1982

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

Rules as proposed

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

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

1. The notarized application form,

2. The recommendation from the nursing program director and

3. The fee of ~~$65~~ $50, effective ~~July 1, 1982~~ January 1, 1983.

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

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

1. The notarized application,

2. The recommendation from the nursing program director,

3. The fee of ~~$65~~ $50, effective ~~July 1, 1982~~ January 1, 1983,

4. The affidavit of graduation and

5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

7 MCAR S 5.1004 Examination and reexamination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score on the Minnesota licensure examination, the ~~State Board Test Pool Examination~~ National Council Licensure Examination (NCLEX-RN), shall be a ~~standard~~ scaled score of at least ~~350~~ 1600 ~~in each section~~.

~~B. An applicant whose score falls below a standard score of 350 in one or more sections of the State Board Test Pool~~

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

~~Examination shall be deemed to have failed the examination.~~

~~C.~~ ~~An applicant who fails the examination shall re-write only the sections failed unless otherwise specified in these rules.~~

~~B.~~ B. An applicant must pass ~~all sections of~~ the examination in not more than three writings within a 24 month period. ~~Each 24 month period~~ that begins on the date of the first examination of the cycle.

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

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

~~G.~~ D. The fee for reexamination shall be ~~$40~~ $25, effective ~~July 1, 1982~~ January 1, 1983, and is required for each reexamination whether one or more sections of the examination are to be rewritten at that time.

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

7 MCAR S 5.1021 Application.

~~A.~~ The foreign educated nurse who has been licensed in another U.S. jurisdiction after passing the same examination as administered in Minnesota shall be licensed by interstate endorsement. He / or she shall submit the same application as outlined in 7 MCAR S 5.1011, with the addition of a form indicating compliance with the United States Immigration and Naturalization Act.

~~B.~~ The foreign educated nurse who has not passed the same licensure examination as administered in Minnesota shall be

REVISOR OF STATUTES OFFICE BY:

required to write and pass all parts of the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, immigration form and the fee of ~~$65~~ $50, effective ~~July 1, 1982~~ January 1, 1983. The board will schedule the foreign educated nurse to write the first examination available after the application is complete within the constraints of space, time, expense, and personnel.

7 MCAR S 5.1031 Registration renewal.

A. Requirements.

1.-3. [Unchanged.]

4. At least one of the acceptable continuing education activities required for registration renewal on or after August 1, 1986, shall require the licensee to show evidence that he / or she successfully demonstrated to the instructor skill in performing one or a portion of a professional nursing function as indicated in Minnesota Statutes 1976, section 148.171, clause (3).

5.-7. [Unchanged.]

8. In order for a continuing education activity to be acceptable to the board for registration renewal, a licensee ~~shall~~ must be able to substantiate that each of the criteria listed below has been met.

A continuing education activity that is approved by another board of nursing, another Minnesota health-related licensing board as defined in Minnesota Statutes, section 214.01, subdivision 2, or a national, regional, or out-of-state nursing organization, or an activity that is conducted or sponsored by a national, regional, or state medical organization, is acceptable even if criteria c. and e. are not met.

a.-i. [Unchanged.]

9.-11. [Unchanged.]

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

B. [Unchanged.]

7 MCAR S 5.1033 Reregistration.

A. [Unchanged.]

B. [Unchanged.]

C. A nurse who has been employed as a registered nurse in another state or country or in a federal facility located in Minnesota for a period of two years or more immediately preceding application for reregistration may substitute satisfactory employment references which encompass the entire employment period in lieu of the continuing education report.

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

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

1. The notarized application form,

2. The recommendation from the nursing program director, and

3. The fee of ~~$50~~ $35, effective ~~July 1, 1982~~ January 1, 1983.

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

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

1. The notarized application,

2. The recommendation from the nursing program director,

3. The fee of ~~$50~~ $35, effective ~~July 1, 1982~~ January 1, 1983,

4. The affidavit of graduation, and

5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

...OVED IN THE ... OF STATUTES OFFICE BY:

7 MCAR S 5.2003 Examination and reexamination. The licensure examination may be prepared by the Minnesota Board of Nursing or by others delegated to do so by the Minnesota Board of Nursing.

A. The passing score on the Minnesota licensure examination, the ~~State Board Test Pool Examination~~ National Council Licensure Examination (NCLEX-PN), shall be a ~~standard~~ scaled score of at least ~~400~~ 350.

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

~~C.~~ B. An applicant must pass the examination in not more than three writings within a 24 month period. ~~Each 24 month period~~ that begins on the date of the first examination of the cycle.

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

~~E.~~ D. The fee for reexamination shall be ~~$25~~ $10, effective ~~July 1, 1982~~ January 1, 1983 and is required for each reexamination.

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

7 MCAR S 5.2021 Application.

~~A.~~ The foreign educated practical nurse who has been licensed in another U.S. jurisdiction after passing the same examination as administered in Minnesota shall be licensed by interstate endorsement. ~~He/~~ or she shall submit the same application as outlined in 7 MCAR S 5.2011, with the addition of a form indicating compliance with the U.S. Immigration and

APPROVED IN THE ... OF STATUTES ... BY:

Naturalization Act.

~~B.~~ The foreign educated practical nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, the immigration form and the fee of ~~$50~~ $35, effective ~~July 1, 1982~~ January 1, 1983. The board will schedule the applicant to write the first examination, available after the application is complete within the constraints of space, time, expense and personnel.

7 MCAR S 5.2030 Renewal of registration.

A. [Unchanged.]

B. [Unchanged.]

C. [Unchanged.]

~~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.~~

D. If a person 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.

7 MCAR S 5.2033 Reregistration.

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

~~A.~~ B. The licensed practical nurse whose name has not been on the registration roster for five years or more must present

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

evidence of competency in nursing before becoming reregistered. Such evidence 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 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.

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

PROVED IN THE SOR OF STATUTES ICE BY:

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Amendments to
Rules Relating to Licensure
Fees, Examinations, Continuing
Education for Professional
Nurses and Reregistration

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

IT IS ORDERED this 1st day of November, 1982, 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: November 1, 1982

STATE OF MINNESOTA

BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Secretary

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Amendments to
Rules Relating to Licensure
Fees, Examinations, Continuing
Education for Professional
Nurses and Reregistration

AFFIDAVIT OF MAILING

Priscilla Zeug, being first duly sworn, deposes and says:

That on the 10th day of November, 1982 at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing it in the United States mail at said City of Minneapolis a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Minnesota Board of Nursing for the purpose of receiving notice of the proposed adoption of rules by the Minnesota Board of Nursing.

Priscilla Zeug

Subscribed and sworn to before me this
10th day of November, 1982.

Alice D. Hummer

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

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Amendments to
Rules Relating to Licensure
Fees, Examinations, Continuing
Education for Professional
Nurses and Reregistration

CERTIFICATE OF AGENCY'S
MAILING LIST

I, Joyce M. Schowalter, Executive Secretary of the Minnesota Board of Nursing, hereby certify that I am responsible for maintaining the list of all persons who register with the Minnesota Board of Nursing for the purpose of receiving notice of rule hearings on proposed rules and amendments thereto on the subject captioned above pursuant to Minn. Stat. § 15.0412, subd. 4, and further certify that the list attached hereto and made a part hereof constitutes the complete lists of the persons, associations, and other interested groups who, as of 9 09 a.m., this 1st day November, 1982, have so registered with the Minnesota Board of Nursing.

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

Helen Aase, Dept. Chairperson
Practical Nursing Program
c/o District One Hospital
Faribault, MN. 55021

Jacqueline M. Cannon, CRNA
321 W. 59th Street
Minneapolis, MN. 55419

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

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

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

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

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

Minnesota LPN Association
1700 W. Highway 36 - Suite 616
St. Paul, MN 55113

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

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

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

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

Margaret Cleveland
4720 McCulloch
Duluth, MN. 55804

LaVonne Lommel, Director
Red Wing AVTI
Highway 58 & Pioneer Road
Red Wing, MN. 55066

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

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

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

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

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

Beryl Etter
Box 188
Menahga, MN. 56464

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

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

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

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

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

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

Lou Schroeder
Vice-President Nursing
Immanual-ST. Joseph Hospital
Mankato, MN 56001

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

Sandra Rieschl
3815 W. Broadway
Robbinsdale, MN. 55422

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

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

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

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

Legislative Commission to
Review Administrative Rules
Room 430 State Office Bldg.
St. Paul, MN. 55155

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

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

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

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

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

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

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

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

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

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

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

Jola Amundsen
Alexandria AVTI
1601 Jefferson Street
Alexandria, MN. 56308

Dave Locey & Assoc.
2353 Rice Street N.-Suite 220
St. Paul, MN. 55113

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

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

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

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

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

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

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

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

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

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

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

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

Dorothy Hahn, RN
Director of Nursing
St. Joseph's Hospital
Pleasant Avenue
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

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

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

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

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

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

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

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

Dr. Marilee Miller
Gustavus Adolphus College
St. Peter, MN. 56082

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

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

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

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

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

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

David Klanderman
1801 Willmar Avenue
Willmar, MN. 56201

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

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

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

Hubbard County Nursing Service
Courthouse
Park Rapids, MN. 56470

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

5 of 5

Mary J. van Dan
400 Shelard Plaza So.
Suite 270
Minneapolis, MN. 55426

Mary Jane Blume
1164 Summer St.
Roseville, MN 55113

Susan Reinhardt
1621 Monroe St.
Madison, WI 53711

Shirley Voigt
Clearbrook, MN. 56634

Linda Schwartz
5916 Medicine Lake Rd.
Crystal, MN 55422

Sharon Hoffman, Assistant Dean
School of Nursing
5-140 Unit F
308 Harvard St.
Minneapolis, MN 55455

Jodi Buehring
450 Ford Rd. #221
St. Louis Park, MN 55426

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

Susan J. Manns, RN
Continuing Education Coordinator
St. Luke's Hospital
915 East First St.
Duluth, MN 55805

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

Mary Weir
702 E. 11th St.
Duluth, MN 55811

Doris Yokie
5636 Girard Avenue South
Minneapolis, MN. 55419

Cindy Wilson
2438 - 18-1/2 Ave. NW
Rochester, MN 55901

Rep. Dominic Elioff
328 6th St. S.
Virginia, MN 55792

Katherine A. Koepke
1817 Jefferson St.
Duluth, MN 55812

Sam Ruhle
Office of Admin. Hearings
400 Summit Bank Bldg.
310 South 4th Ave.
Minneapolis, MN 55415

Patty Fyfe, RN, MS
Continuing Nursing Education
Everett Community College
801 Wetmore
Everett, WA 98201

Wanda J. Patton
926 E. 8th St.
Duluth, MN 55805

Dianne M. Pavlica
919 LaPrairie Ave.
Grand Rapids, MN 55744

Ms. Helen T. Stevensen
Anoka-Ramsey Community College
Assoc. in Arts Degree in Nsg.
11200 Mississippi Blvd. N.W.
Coon Rapids, MN. 55433

Ms. Jane A. Rysavy
Austin Community College
Nursing Program
1600 N.W. Eighth Avenue
Austin, MN. 55912

Ms. Lois Fielding
Brainerd Community College
Assoc. Degree Nursing Prog.
College Drive
Brainerd, MN. 56401

Dr. Marilee Miller
Gustavus Adolphus College
Department of Nursing
St. Peter, MN. 56082

Ms. Patricia Barnes
Hibbing Campus, Arrow. C.C.
Program in Nursing
1515 East 25th Street
Hibbing, MN. 55746

Ms. Mary McKee Johnson
Inver Hills-Lakewood
Assoc. Degree Nursing Prog.
8445 College Trail
Inver Grove Heights, MN.55075

Ms. Margaret Hermann
Fairview Deaconess Hospital
School of Nursing
1400 EAST 24TH STREET
Minneapolis, MN. 55404

Dr. Melba Leichsenring
Mankato State University
School of Nursing
Box 27
Mankato, MN. 56001

Ms. Loretta Mathiowetz
Minneapolis Comm. College
Nursing Program
1501 Hennepin Avenue
Minneapolis, MN. 55403

Ms. Charlotte Olson
Mounds-Midway School of Nsg.
1700 University Avenue

Ms. Kathleen Manahan
Normandale Community College
Program in Nursing
9700 France Avenue South
Bloomington, MN. 55431

Ms. Miriam Hazzard
North Hennepin Comm. College
Nursing Program
7411-85th Avenue North
Brooklyn Park, MN. 55455

Ms. Frances B. McLachlan
Northland Community College
Assoc. Degree Nursing Program
Highway One East
Thief River Falls, MN. 56701

Dr. Linnea Morrison
Rochester Community College
Assoc. Degree Nursing Program
Highway 14 East
Rochester, MN. 55901

Sister Mary Rachel Kuebelbeck
College of St. Benedict
Department of Nursing
St. Joseph, MN. 56374

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

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

Ms. Donna Churchill
St. Luke's Hospital School
of Nursing
915 East First Street
Duluth, MN. 55805

Ms. Charlotte Tracy
St. Mary's Junior College
Nursing Program
2500 South Sixth Street
Minneapolis, MN. 55454

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

Dr. Nancy Meyers Freeman
College of St. Scholastica
Department of Nursing
1200 Kenwood Avenue
Duluth, MN. 55822

Ms. Natalie Atkins
College of St. Teresa
Department of Nursing
St. Mary's Hospital
Rochester, MN. 55901

Dr. Ellen T. Fahy
Univ. of MN. School of Nursing
5-140 Unit F
308 Harvard Street
Minneapolis, MN. 55455-0342

Ms. Lynn Dykema
Willmar Community College
Associate Degree Nsg. Program
P.O. Box 797
Willmar, MN. 56201

Dr. Rosemary Langston
Winona State University
Department of Nursing
Phelps Hall
Winona, MN. 55987

LPN Labels 10/81

Ms. Shirley Brekken
Agassiz Valley School of
Practical Nursing
Robertson Hall, UMC
Crookston, MN. 56716

Ms. Jola Amundsen
Alexandria AVTI
Program of Practical Nursing
1601 Jefferson Street
Alexandria, MN. 56308

Ms. Bette Struck
Anoka-Hennepin AVTI
Practical Nursing Program
1355 West Main
Anoka, MN. 55303

Ms. Sharon Johnson
Austin AVTI
Program of Practical Nursing
1900 Eighth Avenue N.W.
Austin, MN. 55912

Ms. Karen Sollom
Bemidji AVTI
Practical Nursing Program
Roosevelt Road & Grant Ave.
Bemidji, MN. 56621

Ms. Diane Sell
Brainerd AVTI
Practical Nursing Program
300 Quince Street
Brainerd, MN. 56401

Ms. Sandra Robertson
Dakota Co. AVTI
Practical Nursing Program
145th St. at Akron Avenue
Rosemount, MN. 55068

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

Ms. Diane MacMillan
Duluth AVTI
Practical Nursing Program
2101 Trinity Road
Duluth, MN. 55811

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

Ms.Helen A. Aase
Faribault AVTI
Practical Nursing Program
1225 S.W. Third Street
Faribault, MN. 55021

Ms. Delloris Risbrudt
Fergus Falls Community College
Practical Nursing Program
1414 College Way
Fergus Falls, MN. 56537

Ms. Verniece Buan
Hennepin Technical Centers
Practical Nursing Program
9000 North 77th Avenue
Brooklyn Park, MN. 55445

Ms. Charlene Sawyer
Itasca Campus, Arrowhead C.C.
Practical Nursing Program
1851 Highway 169 E
Grand Rapids, MN. 55744

Ms.Marion Brunz
Mankato AVTI
Practical Nursing Program
1920 Lee Boulevard
North Mankato, MN. 56001

Ms. Frances A. Temple
Mankato AVTI, School of Prac-
tical Nursing, New Ulm Campus
601 First North Street
New Ulm, MN. 56073

Ms. M. Jacquelyn Sowell
Minneapolis Technical Institute
School of Practical Nursing
1414 Hennepin Avenue
Minneapolis, MN. 55403

Ms. Judy Anderson
Rainy River Campus, Arrow. C.C.
Practical Nursing Program
International Falls, MN. 56649

Ms. LaVonne M. Lommel
Red Wing AVTI
Practical Nursing Program
Highway 58 and Pioneer Road
Red Wing, MN. 55066

Ms. Carol Backstrom
Rochester AVTI
Practical Nursing Program
332 Sixteenth Street S.E.
Rochester, MN. 55901

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

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

Ms. Kathleen Nardi
St. Paul AVTI
Practical Nursing Program
235 Marshall
St. Paul, MN. 55102

Ms. Sharon Erickson
Thief River Falls AVTI
Practical Nursing Program
Highway One East
Thief River Falls, MN. 56701

Ms. Betty DeRuyter
Willmar AVTI
Practical Nursing Program
P.O. Box 1097
Willmar, MN. 56201

Ms. Joan A. Kohner
Winona AVTI
Practical Nursing Program
1250 Homer Road
Winona, MN. 55987

Ms. Verna Mulder
Worthington Community Colleg
Practical Nursing Program
1450 Collegeway
Worthington, MN. 56187

BOARD MEMBERS - 7/13/82

Dean L. Urdahl
Rt. 1, Box 98
Grove City, MN 56243

Ruth Domeier
3518 Minikahda Court #4
St. Louis Park, MN 55416

Darla Vanden Berg
1408 Murray
Worthington, MN 56187

Mary W. Doty
23 Greenway Gables
Minneapolis, MN 55403

****

9

Jane Hardt
1209 Rosewood
Brainerd, MN 56401

Morris Miller
Queen of Peace Hospital
301 Second St. NE
New Prague, MN 56071

E. Charlotte Pflug
10 E. Oaks Road
St. Paul, MN 55110

Jeri Thilmony
Detroit Lakes AVTI
Highway 34 East
Detroit Lakes, MN 56501

Mary Jane Thompson
North Ridge Care Center
5430 Boone Ave. N.
Minneapolis, MN 55428

3. A monitoring well need not be protected according to the procedures in 2. if the well is routinely inspected at least daily and if the well is located in an area where it is not likely to be damaged by vandals or by impact from heavy equipment, cars, snowmobiles, or similar vehicles.

4. In addition to the measures prescribed in 2., a monitoring well which is cased with plastic must be protected within a watertight schedule 40 steel casing which is embedded in cement or concrete to a depth of two feet. The steel casing must be covered with an overlapping, locking steel cap. The inner casing must be capped or protected with an overlapping, threaded cap.

5. If a monitoring well is damaged, the damage must be corrected within 72 hours of its discovery.

Repealer. Rules 7 MCAR §§ 1.217 C.4., and 1.218 D. are repealed.

Board of Nursing

Proposed Amendments to Rules Relating to Licensure Fees, Examinations, Continuing Education for Professional Nurses and Reregistration

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 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1031, 5.2002, 5.2003, 5.2021, 5.2030 and 5.2033 without a public hearing. A copy of the proposed amendments is attached to this notice.

The board has determined that the proposed amendments will be noncontroversial in nature. Therefore, this proceeding is being made under the provisions of Minn. Stat. § 15.0412, subd. 4h (Supp. 1981) which provides for an expedited process for the adoption of noncontroversial 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 comments on the proposed rules with the exception of the fee changes in 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.2002, 5.2003 and 5.2021 which have been approved pursuant to Minn. Stat. § 214.06, subd. 1 (Supp. 1981) and are included here for information purposes only.

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, 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 substantial change in the proposed language;

5. Authority to amend these rules is contained in Minn. Stat. §§ 148.191, subd. 2, 148.296 and 214.12 (1980). Additionally, a statement of need and reasonableness which 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. Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be submitted to the Attorney General for review of the form and legality of the rule change, including the issue of substantial 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. 4-4g (Supp. 1981);

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.

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.

November 1, 1982

Joyce M. Schowalter, Executive Secretary
Board of Nursing

Rules as proposed

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

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

1. The notarized application form,
2. The recommendation from the nursing program director and
3. The fee of ~~$65~~ $50, effective ~~July 1, 1982~~ January 1, 1983.

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

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

1. The notarized application,
2. The recommendation from the nursing program director,
3. The fee of ~~$65~~ $50, effective ~~July 1, 1982~~ January 1, 1983,
4. The affidavit of graduation and
5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

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

A. The passing score on the Minnesota licensure examination, the ~~State Board Test Pool Examination~~ National Council Licensure Examination (NCLEX-RN), shall be a ~~standard~~ scaled score of at least ~~350~~ 1600 ~~in each section~~.

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

~~C. An applicant who fails the examination shall re-write only the sections failed unless otherwise specified in these rules.~~

~~D.~~ B. An applicant must pass ~~all sections of~~ the examination in not more than three writings within a 24 month period~~. Each 24 month period~~ that begins on the date of the first examination of the cycle.

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

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

~~G.~~ D. The fee for reexamination shall be ~~$40~~ $25, effective ~~July 1, 1982~~ January 1, 1983, and is required for each reexamination whether one or more sections of the examination are to be rewritten at that time.

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

7 MCAR § 5.1021 Application.

~~A.~~ The foreign educated nurse who has been licensed in another U.S. jurisdiction after passing the same examination as administered in Minnesota shall be licensed by interstate endorsement. He ~~/~~ or she shall submit the same application as outlined in 7 MCAR § 5.1011, with the addition of a form indicating compliance with the United States Immigration and Naturalization Act.

~~B.~~ The foreign educated nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass all parts of the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, immigration form and the fee of ~~$65~~ $50, effective ~~July 1, 1982~~ January 1, 1983. The board will schedule the foreign educated nurse to write the first examination available after the application is complete within the constraints of space, time, expense, and personnel.

7 MCAR § 5.1031 Registration renewal.

A. Requirements.

1.-3. [Unchanged.]

4. At least one of the acceptable continuing education activities required for registration renewal on or after August 1, 1986, shall require the licensee to show evidence that he ~~/~~ or she successfully demonstrated to the instructor skill in performing one or a portion of the professional nursing function as indicated in Minnesota Statutes 1976, section 148.171, clause (3).

5.-7. [Unchanged.]

8. In order for a continuing education activity to be acceptable to the board for registration renewal, a licensee ~~shall~~ must be able to substantiate that each of the criteria listed below has been met.

A continuing education activity that is approved by another board of nursing, another Minnesota health-related licensing board as defined in Minnesota Statutes, section 214.01, subdivision 2, or a national, regional, or out-of-state nursing organization, or an activity that is conducted or sponsored by a national, regional, or state medical organization, is acceptable even if criteria c. and e. are not met.

a.-i. [Unchanged.]

9.-11. [Unchanged.]

B. [Unchanged.]

7 MCAR § 5.1033 Reregistration.

A. [Unchanged.]

B. [Unchanged.]

C. A nurse who has been employed as a registered nurse in another state or country or in a federal facility located in Minnesota for a period of two years or more immediately preceding application for reregistration may substitute satisfactory employment references which encompass the entire employment period in lieu of the continuing education report.

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

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

1. The notarized application form,

2. The recommendation from the nursing program director, and

3. The fee of ~~$50~~ $35, effective ~~July 1, 1982~~ January 1, 1983.

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

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

1. The notarized application,

2. The recommendation from the nursing program director,

3. The fee of ~~$50~~ $35, effective ~~July 1, 1982~~ January 1, 1983,

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.

4. The affidavit of graduation, and

5. The official school transcript.

C. The board will schedule the applicant to write the first examination available after application is completed within the constraints of space, expense, personnel and time.

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

A. The passing score on the Minnesota licensure examination, the ~~State Board Test Pool Examination~~ National Council Licensure Examination (NCLEX-PN), shall be a ~~standard~~ scaled score of at least ~~400~~ 350.

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

~~C.~~ B. An applicant must pass the examination in not more than three writings within a 24 month period~~. Each 24 month period~~ that begins on the date of the first examination of the cycle.

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

~~E.~~ D. The fee for reexamination shall be ~~$25~~ $10, effective ~~July 1, 1982~~ January 1, 1983 and is required for each reexamination.

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

7 MCAR § 5.2021 Application.

~~A.~~ The foreign educated practical nurse who has been licensed in another U.S. jurisdiction after passing the same examination as administered in Minnesota shall be licensed by interstate endorsement. He ~~/~~ or she shall submit the same application as outlined in 7 MCAR § 5.2011, with the addition of a form indicating compliance with the U.S. Immigration and Naturalization Act.

~~B.~~ The foreign educated practical nurse who has not passed the same licensure examination as administered in Minnesota shall be required to write and pass the examination. The completed application for such applicant shall include the notarized application form, certification of licensure from the foreign licensure authority, if the applicant has been licensed, certification of graduation from a nursing program, official transcript from the nursing program, reference from a United States employer, if employed in the United States, the immigration form and the fee of ~~$50~~ $35, effective ~~July 1, 1982~~ January 1, 1983. The board will schedule the applicant to write the first examination, available after the application is complete within the constraints of space, time, expense and personnel.

7 MCAR § 5.2030 Renewal of registration.

A. [Unchanged.]

B. [Unchanged.]

C. [Unchanged.]

~~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.~~

D. If a person 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.

7 MCAR § 5.2033 Reregistration.

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

~~A.~~ B. The licensed practical nurse whose name has not been on the registration roster for five years or more must present evidence of competency in nursing before becoming reregistered. Such evidence 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 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.

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

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 Commerce
Insurance Division

Adopted Rules Governing Private Passenger Automobile Surcharge Disclosure

The rules proposed and published at *State Register*, Volume 7, Number 7, pages 193-196, August 16, 1982 (7 S.R. 193) are adopted with the following modifications:

Rules as Adopted

4 MCAR § 1.9083 Definitions.

H. Surcharge ~~plans~~ plan. "Surcharge ~~plans~~ plan" is as defined in Minnesota Statutes, section 65B.133, subdivision 1, clause (g).

4 MCAR § 1.9085 Highlighted provisions. All surcharge plans containing one or more of the following provisions, must have the provisions highlighted in bold print or contrasting color print on the surcharge disclosure statement:

1. surcharges which are based on estimated damage instead of the ~~actual amount paid~~ payment made by the insurer after physical damage deductibles are applied;

5. surcharges which are ~~higher for some~~ not the same for all classes ~~than others~~ (for example, youthful operator classes surcharged more than adult operator classes.)

4 MCAR § 1.9088 Examples of surcharge plan. Each company must display on the statement two examples of how their surcharge plan works. One example must show a one-vehicle insured with a $200 premium. The second example must show a

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.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Amendments to
Rules Relating to Licensure
Fees, Examinations, Continuing
Education for Professional
Nurses and Reregistration

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The Minnesota Board of Nursing (hereinafter "Board") convened on February 4, 1983, to review and consider the adoption of the above-referenced rules and evidence submitted following publication of the rules and Notice Of Intent To Adopt Rules Without A Public Hearing. Based on the evidence presented, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The proposed amendments to the above-referenced rules were published in the State Register on November 15, 1982, in 7 S.R. 749;

2. Fifteen letters were received by the Board concerning the adoption of the above-referenced rules;

3. These letters, made a part of the record, address the following issues:

a. Twelve letters objected to proposed 7 MCAR § 5.1031. Nine of these letters requested and stated a need for a public hearing on this section;

b. One letter requested a hearing on proposed 7 MCAR § 5.1002;

c. One letter suggested a nonsubstantive word change to proposed 7 MCAR § 5.1033;

d. One letter requested a hearing on all the proposed rules.

4. Inasmuch as a sufficient number of persons have concluded that proposed 7 MCAR § 5.1031 raises significant concerns requiring a hearing, the Board shall withdraw this specific proposed amendment and defer it for further study and consideration;

5. Proposed 7 MCAR § 5.1031 deals with continuing education exceptions only and is unrelated to fees, examination, or the reregistration issues proposed in the remaining amendments;

6. The need to increase fees elicited no substantial response from members of the public;

7. The need to comply with contractual terms for examination requirements elicited no substantial response from members of the public;

8. The need to deal with reregistration issues for professional nurses is important and elicited no substantial response from members of the public.

CONCLUSIONS OF LAW

1. The Board gave proper Notice Of Intent To Adopt Rules Without A Public Hearing in this matter;

2. The Board has fulfilled procedural requirements of Minn. Stat. §§ 14.22 to 14.25 (1982) and all other procedural requirements of law or rule;

3. The Board has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive requirements of law and rule within the meaning of Minn. Stat. §§ 14.21 to 14.26;

4. The Board has documented the need for and reasonableness of its proposed rules with an affirmative presentation of facts and the record within the meaning of Minn. Stat. § 14.23 (1982);

5. Proposed 7 MCAR § 5.1031 is unrelated in subject matter and effect to other proposed rules and is severable in topic, focus, and scope from other proposed rules.

In conclusion, the Board needs to promulgate proposed 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1033, 5.2002, 5.2003, 5.2021, 5.2030, and 5.2033. Any findings which might be termed conclusions and any conclusions which might properly be termed findings are hereby adopted as such.

Based upon the foregoing findings and conclusions, the Board makes the following:

ORDER

Proposed amendments to rules relating to licensure fees, examinations, continuing education for professional nurses, and reregistration identified as 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1033, 5.2002, 5.2003, 5.2021, 5.2030, and 5.2033 be and they are hereby approved and adopted pursuant to the authority vested in us by Minn. Stat. §§ 148.191, subd. 2, 148.296, and 214.12 (1982).

Dated: March 7, 1983

STATE OF MINNESOTA

BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Mary Jane Thompson, do hereby certify that I am a member and the President 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 3rd day of February, 1983, 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 proposed amendments to rules relating to licensure fees, examinations, continuing education for professional nurses and reregistration identified as 7 MCAR §§ 5.1002, 5.1004, 5.1021, 5.1033, 5.2002, 5.2003, 5.2021, 5.2030, and 5.2033 be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 148.191, subd. 2, 148.296 and 214.12 (1982) 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."

Mary Jane Thompson
Attest by Board Member

Joyce M. Schowalter

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Amendments to
Rules Relating to Licensure
Fees, Examinations, Continuing
Education for Professional
Nurses and Reregistration

STATEMENT OF
NEED AND
REASONABLENESS

7 MCAR § 5.1002 Application.

A.3. and B.3.

The original fee is reduced by the amount the RN candidate pays directly to the National Council of State Boards of Nursing ($18.50) and rounded up to the nearest $5. The amount is sufficient to cover expenditures anticipated during the Fiscal Year 1983 which are related to the licensure process.

The February 1983 examination will be the first to which this fee is applied.

Approval from the Commissioner of Finance has been received for all fee changes. Minn. Stat. § 214.06 (Supp. 1981) authorizes the adjustment of fees without a public hearing.

7 MCAR § 5.1004 Examination and Re-examination.

A.

Beginning with the July 1982 examination the State Board Test Pool Examination (SBTPE) with its five sections and five scores was replaced with a similar, but unified examination with a single score, the National Council Licensure Examination for Registered Nurses (NCLEX-PN). It is a national, standardized examination which meets the provisions of Minn. Stat. § 214.03 (1980) and is psychometrically sound. It is the only national examination available for nurse licensure and is developed and owned by the same organization which developed and owned the SBTPE, the National Council of State Boards of Nursing (NCSBN).

The new examination is scored by a method called criterion-referenced scoring, not by comparing one candidate's performance against the scores of all candidates who wrote the test (norm-referenced scoring). As a result, the scores are scaled, not

standardized, therefore the correct term should be used in this rule.

The NCSBN and the test service, CTB/McGraw Hill, have recommended that the cutting score established by the use of criterion-referenced procedure be adopted as the passing score in each state. That score is assigned the numerical value of 1600. With Minnesota using this score, Minnesota nurses will be able to obtain licensure easily in other states because the same score will be used in all states. The score of 1600 is not expected to result in major changes in the passing rate or the rank of Minnesota among the other states. For at least 25 years Minnesota has used the same passing score as was required in other states.

B., C. and E.

These rules are repealed because the rules are unnecessary. The NCLEX-RN does not have sections.

D.

Relettered, this rule becomes "B". An outdated reference to examination sections is deleted and the grammar has been improved. These revisions are necessary in order to reflect the format of the NCLEX-RN.

F.

Relettered, this rule becomes "C". An outdated reference to examination sections is deleted and an unnecessary word "first" has been removed. The changes are needed to bring the rule up-to-date.

G.

Relettered, this rules becomes "D".

The original fee is reduced by the amount the RN candidate pays directly to the National Council of State Boards of Nursing ($18.50) and rounded up to the nearest $5. The amount is sufficient to cover expenditures anticipated during the Fiscal Year 1983 which are related to the licensure process.

The February 1983 examination will be the first to which this fee is applied.

H.

Relettered, this rule becomes "E".

7 MCAR § 5.1021 Application.

This rule contains editorial changes made by the Revisor

of Statutes. The second paragraph proposes a fee change for foreign educated registered nurses which is identical to the change proposed for U.S. applicants in § 5.1002. The rationale is also identical.

7 MCAR § 5.1031 Registration Renewal.

This rule pertains to registered nurses only and contains editorial changes made by the Revisor of Statutes.

Section A.8. will be amended by adding an exception to the criteria which continuing education activities must meet in order to be considered acceptable. Experience with the rule as originally promulgated in 1977 has shown that criterion "c" (measurable objectives) and criterion "e" (a written method to assess learning) are frequently not included in programs presented by educational providers outside of Minnesota or by non-nurses. Nevertheless, the programs are usually timely, up-to-date, of interest to nurses and meet all other criteria.

This change is needed to allow nurses to use the educational activities in which they participate even though the activity does not meet all established criteria. It will be especially helpful to nurse practitioners and others who take advantage of programs offered by medical organizations. Because delegated medical functions are a part of most nurses' practice and an acceptable content area (criterion "a"), it is reasonable to facilitate participation by nurses in medical programs.

The current continuing education system which does not require advance approval of programs by the Board of Nursing has been very successful, particularly as it pertains to programs offered in Minnesota and/or by nursing organizations. However, the most common complaint about the system is that groups outside of Minnesota and non-nursing groups in Minnesota which have their continuing education activities approved by another health-related licensing Board frequently cannot be used by a nurse because criteria "c" or "e" are not met. Examples include activities approved by the Pharmacy Board, Nursing Home Administrators Board and Medical Board. This would allow use of such approved activities.

By retaining the rest of the criteria a measure of assurance as to the appropriateness to nursing and the quality of the program is provided.

7 MCAR § 5.1033 Reregistration.

B.3.

This rule pertains to registered nurses only. The change will allow nurses who were previously licensed in Minnesota but who

have not continued active Minnesota registration and have been employed in another state or in a Minnesota facility which does not require Minnesota licensure, to substitute employment references for the continuing education participation report. It is needed because these nurses are not required nor expected to meet continuing education requirements or to remain knowledgeable about the Board's requirements when they allow their Minnesota licenses to lapse. Yet experience has shown that nurses frequently move back to Minnesota or seek to change Minnesota employment from a Federal facility on short notice. They also expect to obtain employment quickly upon reregistration with the Board. The recent economic situation has made this problem more intense.

It is reasonable to substitute employment for continuing education participation for two reasons. First, continuing education is mandated for the purpose of assuring safe, competent practicing nurses. If a nurse is practicing in this manner, he/she will be able to obtain a satisfactory reference and the purpose is fulfilled. Second, the change is consistent with the requirements for nurses obtaining licensure in Minnesota by endorsement (7 MCAR §§ 5.1010 and 5.1011). Such applicants are required to provide a satisfactory employment reference (§ 5.1011 A.4.). However, if he/she has not been employed for the two years immediately preceding application, continuing education is required (§ 5.1010 C.2.).

7 MCAR § 5.2002 Application.

A. and B.

This rule applies to licensed practical nurse candidates only.

The original fee is reduced by the amount the LPN candidate pays directly to the National Council of State Boards of Nursing ($18.50) and rounded up to the nearest $5. The amount is sufficient to cover expenditures anticipated during Fiscal Year 1983 which are related to the licensure process.

The April 1983 examination will be the first to which this fee is applied.

Approval from the Commissioner of Finance has been received for all fee changes. Minn. Stat. § 214.06 (Supp., 1981) authorizes the adjustment of fees without a public hearing.

7 MCAR § 5.2003 Examination and Re-examination.

This rule applies to licensed practical nurse candidates only, and the rationale is the same as for § 5.1004 with two exceptions. The NCLEX-PN, like the SBTPE, is a single test with a

single score. However, the scoring method was changed from norm-referenced scoring to criterion-referenced scoring as was done with the NCLEX-RN. Therefore, it is necessary and proper to refer to the score as a scaled score.

The passing score is being changed from 400 to 350 because of the new scoring method. In the past the passing score was set 50 points above the score used by other states in order to keep the failure rate of Minnesota licensed practical nurses the same as the failure rate of Minnesota registered nurses. As a result, licensed practical nurses wishing to move to Minnesota and obtain licensure had difficulty. Because the Board has no data pertaining to passing rates on either the NCLEX-RN or the NCLEX-PN as scored with the criterion-referenced method it is reasonable to use the passing score of 350 which is recommended by NCSBN and the test service and is used throughout the country. The Board will monitor closely the performance of licensed practical nurses and will propose a change in the score as soon as data indicate the need for a change.

7 MCAR § 5.2021 Application.

This rule contains changes made by the Revisor of Statutes. The second paragraph proposes a fee change for foreign educated licensed practical nurses, which is identical to the change proposed for U.S. applicants in § 5.2002. The rationale is also identical.

7 MCAR § 5.2030 Renewal of Registration.

This rule applies to licensed practical nurses only. Section "D" will be replaced with a provision which extends the period between initial licensure and the payment for the first registration renewal period by a new Minnesota licensee from three to six months. In addition, the wording was changed by the Revisor of Statutes.

The substantive change is needed to make the licensed practical nurse requirements consistent with the registered nurse requirements found in §5.1031 B.6. It is reasonable to extend the period because the renewal period was recently changed from 12 to 24 months and the fee doubled accordingly. If the change were not made a new licensed practical nurse licensee would be required to renew registration and pay the $16 renewal fee within three months after receiving the first Minnesota license, while a registered nurse would not have to renew registration and pay the renewal fee if he/she received the first license within six months.

7 MCAR § 5.2033 Reregistration.

This rule pertains to licensed practical nurses only. New section "A" is needed to specify the action taken by the Board when a nurse does not renew his/her registration. It conforms with

actual practice. The proposed change is reasonable because it conforms to a similar registered nurse provision in § 5.1033 A. A specific date is needed for administrative purposes and April 1 is reasonable because it is three months after the end of the renewal period, the same amount of "grace period" allowed registered nurses.

Dated: Nov. 1, 1982

STATE OF 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
Proposed Amendments to
Rules Relating to Licensure
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STATEMENT OF
COMPLIANCE WITH
RULEMAKING
PROCEDURES

I, Special Assistant Attorney General Terry P. O'Brien, 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: February 25, 1983

TERRY P. O'BRIEN
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Proposed Amendments to
Rules Relating to Licensure
Fees, Examinations, Continuing
Education for Professional
Nurses and Reregistration

AFFIDAVIT

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

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

1. That on November 15, 1982, a Notice Of Intent To Adopt Rules Without A Public Hearing was published in the State Register and on November 10, 1982, 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 fewer than seven people have requested a rule hearing and submitted comments on these rules and no one has 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: March 7, 1983

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary

Subscribed and sworn to before me
this 7th day of March, 1983.

Beverly Conerton

BEVERLY CONERTON
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Jan. 2, 1986