

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1061

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 8-24-84
DATE FOR REVIEW 9-3-84
DATE DUE 9-7

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

Approved 9-7-84 mjc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 8/27/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 8.3.84 Date

_____ Notice of Intent to Solicit Outside Opinion comments in response to SR — but notice not submitted.

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency does not fully comply with 1984 APA changes.

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

✓ Mailing list Certificate

✓ Publication in State Register does not fully comply with 1984 APA change
6.11.84 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

_____ 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

✓ 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

N/A Notice of Submission to the Attorney General

✓ Dept. of Finance approval of fees.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JOYCE M. SCHOWALTER
Executive Secretary

DATE: September 7, 1984

ATTN: AUDREY KAISER MANKA
Special Assistant Attorney General

FROM : MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the Board of Nursing Governing Authorization to Practice; Requirements for Licensure by Exam; Requirements for Licensure Without Exam; Nullification and Registration Renewal

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.

MJC:cb

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy.

Board of Nursing

Adopted Licensing Rules

Rules as Adopted

6315.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 6315.0100 to 6315.0700, the following terms have the meanings given them.

Subp. 2. **Affidavit of continuing education.** "Affidavit of continuing education" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all continuing education requirements for licensure.

Subp. 3. **Affidavit of enrollment.** "Affidavit of enrollment" means the form supplied by the board used to authenticate officially that the applicant is enrolled in the final term of study in an approved nursing program.

Subp. 4. **Affidavit of graduation.** "Affidavit of graduation" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all requirements for graduation.

Subp. 5. **Approved.** "Approved" means the status granted to a professional nursing program or a practical nursing program by a nurse licensing agency or other official governmental agency in a state or territory of the United States, a Canadian province or a foreign country.

Subp. 6. **Board.** "Board" means the Minnesota Board of Nursing.

Subp. 7. **Completion.** "Completion" means that the applicant has fulfilled all the requirements of a program and is eligible for a degree, diploma, or certificate.

Subp. 8. **Enrolled in.** "Enrolled in" means to be satisfying the requirements of a specific course.

Subp. 9. **Examination application.** "Examination application" means the form supplied by the board used in applying for a professional or practical nurse examination.

Subp. 10. **Final term of study.** "Final term of study"

means the last academic period (quarter, term, session, or semester) that is necessary for an applicant to complete graduation requirements.

Subp. 11. **Jurisdiction.** "Jurisdiction" means a state or territory of the United States.

Subp. 12. **Graduation.** "Graduation" means completion of an approved nursing program.

Subp. 13. **License.** "License" means the document issued by the board to an individual who meets for the first time the requirements for practicing professional or practical nursing in Minnesota.

Subp. 14. **Licensure application.** "Licensure application" means the form supplied by the board used in applying for professional or practical nurse licensure.

Subp. 15. **Mental health.** "Mental health" means an individual's emotional or intellectual ability to adapt to a changing environment.

Subp. 16. **Moral character.** "Moral character" means the individual's ability to distinguish between right and wrong and act accordingly.

what's wrong

Subp. 17. **Nursing ability.** "Nursing ability" means the mental and physical capacity and skill necessary to perform nursing actions.

Subp. 18. **Permit.** "Permit" means the document issued by the board that authorizes the practice of professional or practical nursing in Minnesota prior to final board action on the application for licensure.

Subp. 19. **Practical nursing program.** "Practical nursing program" means a program designed to prepare students for licensure as licensed practical nurses.

Subp. 20. **Professional nursing program.** "Professional nursing program" means a program designed to prepare students for licensure as registered nurses.

Subp. 21. **Program.** "Program" means an organized set of courses designed to prepare students to meet the nursing education requirements for licensure as practical or

professional nurses.

6315.0200 PURPOSE AND AUTHORITY.

Parts 6315.0100 to 6315.0700 are adopted pursuant to Minnesota Statutes, section 148.191. The parts pertain to the authorization to practice, the requirements for licensure by examination, the requirements for licensure without examination, and nullification of applications. Part 6315.0400 applies to applicants who have not passed an examination acceptable to the board. Part 6315.0500 applies to applicants who have passed an examination acceptable to the board.

6315.0300 AUTHORIZATION TO PRACTICE NURSING.

Subpart 1. **Required authorization.** A Minnesota license or permit is required if an individual practices professional nursing as defined in Minnesota Statutes, section 148.171, clause (3), or practical nursing as defined in Minnesota Statutes, section 148.29, subdivision 4, whether for monetary compensation or as a volunteer, except as provided in Minnesota Statutes, sections 148.271 and 148.295. If the permit is revoked or expires, whichever occurs first, an applicant must not practice nursing until a license has been issued.

Minnesota licensure is not required for a nurse licensed in another jurisdiction who is in Minnesota as a student enrolled in a course of study which involves nursing practice, such as a course leading to a higher degree or certification in a nursing specialty or to enhanced skills in a clinical field.

Subp. 2. **License.** The board shall license an applicant to practice when the applicant has met all requirements of applicable statutes and rules. The license must bear the seal of the board, date of issue, license number, and type of licensure.

Subp. 3. **Duplicate original license.** Duplicate original licenses are not issued for any reason.

Subp. 4. **Eligibility for permit to practice nursing with direct supervision.** The board shall grant an applicant a permit to practice nursing under the direct supervision of a registered

nurse if the applicant:

A. has not been licensed by examination in another jurisdiction;

B. applies for a permit to practice on a form obtained from the board;

C. has submitted the licensure application, licensure fee, examination application, examination fee, and affidavit of graduation;

D. has not had an application nullified;

E. has not had a permit revoked;

F. has not had a permit expire;

G. has graduated from an approved program as specified in part 6315.0400, subpart 4 or 5; and

H. has written or is eligible to write the first examination administered after graduation. An applicant who has written the examination before graduating becomes eligible for a permit after graduation. An applicant who has written the examination in another jurisdiction must submit, on a form supplied by the board, proof from the other jurisdiction that the applicant wrote the first examination administered after graduation.

Subp. 5. **Required supervision.** An applicant who holds a permit to practice nursing with direct supervision must practice under the direct supervision of a registered nurse licensed and currently registered in Minnesota. There must be a registered nurse assigned to observe, direct, and evaluate the performance of the permit holder. A permit holder shall be able to identify at all times the registered nurse who is providing direct supervision. The registered nurse shall not be engaged in other activities that would prevent the registered nurse from providing direct supervision to the permit holder. The registered nurse providing the supervision shall be physically present on the unit or within the facility where the permit holder is practicing nursing. If the assigned responsibilities for a given shift require nursing abilities that have not been acquired by the permit holder and if the care to be provided

involves a patient with severe or urgent conditions or a patient with an unstable condition, the registered nurse providing the supervision must be on the unit with the permit holder. If the assigned responsibilities for a given shift require nursing abilities that have been acquired by the permit holder and the care to be provided is simple and routine, the registered nurse providing the supervision must be in the facility with the permit holder. The permit holder shall not function in a position that requires supervision of other nursing personnel.

Subp. 6. **Permit to practice nursing without direct supervision.** The board shall grant an applicant a permit to practice nursing that does not require direct supervision if the applicant:

A. submits the licensure application and licensure fee;

B. is licensed in another jurisdiction or Canadian province by an examination acceptable to the board;

C. applies for a permit to practice on a form obtained from the board; and

D. submits evidence of licensure and current eligibility to practice in another jurisdiction or Canadian province. Evidence of licensure and eligibility to practice may include, but is not limited to, a notarized copy of the document from another jurisdiction or Canadian province that authorizes current practice, an official statement from another jurisdiction or Canadian province that the applicant is currently authorized to practice, or an official statement from another jurisdiction or Canadian province that the licensure examination was passed and that the applicant is authorized to practice pending licensure.

Subp. 7. **Length of permit.** The permit authorizing practice under the direct supervision of a registered nurse expires eight weeks after the administration of the examination or upon the applicant's notification by the board of failure on the examination, whichever occurs first. The board shall not extend this permit even if an applicant passes the examination.

The permit authorizing practice without direct supervision expires six months after the date of issue, but the board shall extend this permit if licensure cannot occur because of a processing delay by another nurse licensing agency.

Subp. 8. **Revocation of permit.** The board shall revoke a permit in the following situations.

A. The board shall revoke a permit if the permit holder:

(1) does not write the scheduled examination;

(2) has been notified of the results of the examination;

(3) is licensed by the board;

(4) did not write in another jurisdiction an examination acceptable to the board;

(5) did not pass an examination in another jurisdiction with a score acceptable to the board; or

(6) is not eligible for licensure.

B. The board may act to decide whether to revoke a permit if the board determines that:

(1) an applicant for licensure by examination did not meet the graduation requirement specified in part 6315.0400, subpart 4 or 5;

(2) an applicant for licensure without examination presented fraudulent evidence of licensure in another jurisdiction or Canadian province; or

(3) an applicant has engaged in conduct which constitutes grounds for denial of a license.

Subp. 9. **Designated titles.** The permit holder who is an applicant for registered nurse licensure shall use the title "graduate nurse," abbreviated "GN." The permit holder who is an applicant for licensed practical nurse licensure shall use the title "graduate practical nurse," abbreviated as "GPN."

6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. **Licensure application.** An applicant shall obtain the application forms for licensure and instructions for filing from the board. An applicant shall respond to questions

on the application that relate to causes for denial of licensure listed in Minnesota Statutes, section 148.261 for the registered nurse and Minnesota Statutes, section 148.297 for the licensed practical nurse. An applicant shall submit true information. Falsification or omission of information constitutes unethical conduct and provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant.

Subp. 2. **Examination application.** An applicant shall obtain an examination application from the board. The application and examination fee must be submitted to the agency specified by the board. The examination application and fee must be submitted to the agency each time an applicant wants to be scheduled to take an examination.

Subp. 3. **Evidence of good moral character and good mental health.** An applicant shall verify on the application that he or she is of good moral character and in good mental health. The board may require further evidence of an applicant's character or mental health if the board has information satisfying one of the following conditions:

A. implying a violation of a federal, state, or local law or rule;

B. constituting grounds for denial of a license, if true;

C. implying that the applicant provided inaccurate information or omitted information solicited on the licensure or examination applications;

D. pertaining to behavior of the applicant during the applicant's educational period which suggests that the applicant is not of good moral character or not in good mental health;

E. showing that the applicant may have cheated on the licensing examination;

F. showing that the applicant was discharged from employment;

G. showing that disciplinary action was taken or is pending or the applicant is under investigation by another nurse

licensing agency; or

H. showing that at the time of board action on an application the applicant is hospitalized for treatment of mental illness.

Subp. 4. **Graduation from approved professional nursing program.** An applicant who has graduated from an approved professional nursing program is eligible for licensure as a registered nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

A. The learning activities involved patients in each of the following categories:

(1) newborn through 11 months;

(2) one year through 12 years;

(3) 18 years through 64 years;

(4) 65 years and older;

(5) healthy patients, such as patients in an uncomplicated maternity cycle or patients in need of health teaching;

(6) acutely ill patients suffering from an illness with a short and relatively severe course; and

(7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

(1) patients having nursing care needs in all stages of illness;

(2) adults, including those over 65 years of age and children receiving medical and surgical therapy;

(3) patients having mental illness; and

(4) mothers and newborn infants in the maternity cycle.

Subp. 5. **Graduation from approved practical nursing program.** An applicant who has graduated from an approved practical nursing program is eligible for licensure as a licensed practical nurse if the applicant's nursing education

includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

A. The learning activities involved patients in each of the following categories:

(1) newborn through 11 months;

(2) one year through 12 years;

(3) 18 years through 64 years;

(4) 65 years and older;

(5) healthy patients, such as patients in an uncomplicated maternity cycle;

(6) acutely ill patients suffering from an illness with a short and relatively severe course; and

(7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

(1) children;

(2) mothers of newborn infants;

(3) newborn infants;

(4) adults with common illnesses;

(5) geriatric patients; and

(6) patients with mental and emotional problems.

Subp. 6. **Transcripts necessary for applicants educated in foreign countries.** An applicant who has graduated from a program in another country shall submit a transcript. The applicant shall also submit a course description if the entries on the transcript are not self-explanatory as to course content. If the transcript and course description are not in English, a translation must be done by an agency or individual specified by the board. The cost of this translation must be paid by the applicant.

Subp. 7. **Resolution of educational deficiencies.** Any deficit in nursing education as outlined in subpart 4 or 5 must be made up prior to admission to the examination in one of the following ways:

A. The applicant must successfully complete a regular course or a course designed for an applicant that includes classroom instruction, clinical instruction, and evaluation of nursing ability in the area of deficit in an approved nursing program which prepares students for the type of licensure for which the applicant is applying.

B. If the deficit is a clinical instruction and evaluation of nursing ability deficit and not a classroom deficit, an applicant for registered nurse licensure must successfully complete 90 hours of clinical instruction including evaluation of nursing ability in the deficit area, and an applicant for licensed practical nurse licensure must successfully complete 65 hours of clinical instruction including evaluation of nursing ability in the deficit area. The clinical instruction including evaluation must be supervised by a registered nurse.

The applicant must submit evidence of having completed item A or B on an affidavit provided by the board and signed by all individuals responsible for the make-up activities.

Subp. 8. **Affidavit of graduation.** An applicant shall have an affidavit of graduation completed and signed by an official of the nursing program. The completed affidavit must bear the seal or stamp of the program. An applicant must submit the affidavit prior to the examination unless the applicant will be writing the examination before graduation. An applicant who graduates after writing an examination shall submit the affidavit after graduation but before licensure. An applicant who fails an examination shall submit the affidavit before reexamination.

Subp. 9. **Affidavit of enrollment.** An applicant who writes the examination before graduation shall have an affidavit of enrollment completed and signed by an official of the nursing program. The completed affidavit must bear the seal or stamp of the program and be submitted prior to the examination.

Subp. 10. **Fees.** The board shall charge the following fees.

A. The licensure fee is $50 for an applicant for

registered nurse licensure and $35 for an applicant for licensed practical nurse licensure. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

B. The examination fee is set by the examination vendor and must be submitted to the agency specified by the board each time an applicant wants to be scheduled to write an examination.

C. The reexamination fee is $25 for an applicant for registered nurse licensure and $10 for an applicant for licensed practical nurse licensure. The fee must be paid to the board.

D. A late filing fee of $20 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

(1) licensure application and fee;

(2) examination application and fee;

(3) reexamination application and fee.

E. Personal checks are not accepted. Each remittance must be in the form of United States currency, cashier's check, or money order.

F. If for any reason a license is not issued, fees are not refundable.

Subp. 11. **Deadline for submitting material.** The deadline for submitting all required applications and fees is 56 calendar days preceding an examination. The board shall use the postmark and address to determine compliance. If the required applications and fees are not received on time, the applicant must pay a late filing fee.

All other documents, late applications and fees, and the late filing fee if applicable, must be received no later than 4:30 p.m. the day prior to an examination.

Subp. 12. **Written examination.** The licensure examinations are the examinations of the National Council of State Boards of Nursing, Inc. The passing score required on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) is a scaled score of 1,600. The passing score required on the

National Council Licensure Examination for Practical Nurses (NCLEX-PN) is a scaled score of 350.

A. An applicant shall be scheduled for an examination when the following have been received by the required date or time: applications for licensure and examination; fees for licensure and examination; affidavit of graduation or enrollment; and, when applicable, reexamination application and fee; late filing fee, transcript, course description, translation of transcript and course description, and affidavit that any educational deficit was made up. An applicant may write an examination before graduation if he or she meets all of the following requirements:

(1) The applicant must be enrolled in the final term of study in an approved Minnesota program.

(2) The remaining course work must not include any elective or required nursing courses.

(3) The applicant must not have been on academic probation in the term prior to the final term.

(4) The applicant must not be repeating a course to improve the grade in the course in order to meet graduation requirements.

(5) The applicant must not have written a previous NCLEX examination in Minnesota.

B. The board will notify the applicant by mail of the examination the applicant is scheduled to write. At least ten days prior to an examination the board shall mail an admission document to each applicant accepted to write the examination. Placing the notice and admission document in first class United States mail, postage prepaid and addressed to the applicant's last known address constitutes mailing.

C. For admission to the examination, the applicant must present the admission document, a head and shoulders photograph, and a document bearing the applicant's signature. The photograph must be part of a driver's license, nondriver's state identification card, passport, alien registration card, student identification card, or a photograph affixed with the

school seal and signed by the director of the nursing program.

D. An applicant admitted late to any portion of the examination shall not be allowed extra time. An applicant will not be admitted to any portion of the examination after any applicant has finished that portion and left the examination room. An applicant who does not write the first portion of the examination shall not be allowed to write other portions.

E. Official notification of the score received shall be by first class United States mail, postage prepaid.

F. An applicant who has failed an examination may have the examination rescored by: submitting a written request to the board within one month following the release of the results of the examination; and meeting any procedural requirements including fees of the examination vendor.

G. An applicant who fails an examination may apply for reexamination on a reexamination application supplied by the board and must obey all other applicable rules. If an application is received without a fee, it shall be returned to the applicant.

H. An applicant may write the examination for Minnesota licensure specified in subpart 12 in another jurisdiction if the board authorizes the applicant to do so and the jurisdiction is willing to administer the examination. The applicant must meet any procedural requirements and pay any fees set by the other jurisdiction.

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. **Proof of licensure in another jurisdiction or country.** To be licensed to practice nursing in Minnesota without writing an examination, an applicant must submit proof, on a form provided by the board, that he or she is licensed in another jurisdiction, Canadian province, or country and has passed an examination acceptable to the board as listed in subparts 11 and 12. Proof of licensure must be obtained from the jurisdiction, Canadian province, or country in which the applicant was first licensed and in which the applicant was most recently employed.

Subp. 2. **Licensure application.** An applicant shall obtain the application forms and instructions for filing from the board. An applicant shall respond to questions on the application that relate to causes for denial of licensure listed in Minnesota Statutes, section 148.261, for the registered nurse and Minnesota Statutes, section 148.297, for the licensed practical nurse. An applicant shall submit true information. Falsification or omission of any information constitutes unethical conduct and provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant. Application for licensure begins on the date when an application and fee are received by the board.

Subp. 3. **Fee.** The fee for licensure is $40 for registered nurse applicants and $30 for licensed practical nurse applicants. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. **Evidence of good moral character and good mental health.** An applicant shall verify on the application that he or she is of good moral character and in good mental health. The board may require further evidence of an applicant's character or mental health if the board has information satisfying one of the following conditions:

A. implying a violation of a federal, state, or local law or rule;

B. constituting grounds for denial of a license, if true;

C. showing that disciplinary action was taken or is pending or the applicant is under investigation by another nurse licensing agency;

D. showing that the applicant provided inaccurate information or omitted information solicited on the licensure

application;

E. showing that the applicant was discharged from employment; or

F. showing that at the time of application the applicant is hospitalized for treatment of mental illness.

Subp. 5. **Graduation from approved nursing program.** An applicant who has graduated from an approved nursing program is eligible for licensure provided that the applicant can present evidence of graduation.

Subp. 6. **Waiver of graduation requirement.** The board shall waive the requirement of graduation from an approved nursing program if:

A. an applicant has been licensed by another jurisdiction or Canadian province based on requirements equivalent to the qualifications required in Minnesota at the time of the applicant's original licensure; or

B. an applicant for licensed practical nurse licensure has been licensed by another jurisdiction and passed NCLEX-PN with a score specified in subpart 12 and has had at least 4,000 clock hours of employment as a licensed practical nurse in the 60 calendar months preceding application for licensure in Minnesota.

Subp. 7. **Current nursing education or experience.** An applicant who has been employed in nursing or who has graduated from an approved nursing program during the two years immediately preceding application for licensure is exempt from the continuing education requirements as specified in subparts 8 and 9. Employment references must be submitted to verify employment dates. An affidavit of graduation or evidence from the nurse licensing agency in another jurisdiction or Canadian province must be submitted to verify the graduation date.

Subp. 8. **Continuing education for registered nurses.** An applicant for registered nurse licensure who has not been employed as a registered nurse during the two years immediately preceding receipt by the board of the application must participate in continuing education activities which meet the

criteria specified in part 6310.2800 and must submit an affidavit of continuing education. The continuing education participation must have occurred within the 24 months preceding board action on the application for licensure.

Subp. 9. **Continuing education for practical nurses.** An applicant for licensed practical nurse licensure who has not been employed in nursing during the two years immediately preceding receipt by the board of the application must participate in one of the following continuing education activities: at least 15 clock hours of a nurse refresher course; at least 15 clock hours of nursing-related continuing education courses; or an orientation program at least 15 clock hours in length conducted by an employer or potential employer. The continuing education must have occurred within the 24 months preceding board action on the application for licensure. The applicant must submit an affidavit of continuing education.

Subp. 10. **Affidavit of graduation.** An applicant must submit an affidavit of graduation, signed by an official of the nursing program and bearing the seal or stamp of the program. An affidavit is not required if the licensing authority in another jurisdiction or Canadian province verifies graduation from an approved program. If a licensed practical nurse applicant has not graduated from an approved program, the applicant shall send his or her employer a form supplied by the board for documentation of 4,000 clock hours of employment. The form must be completed by the employer and returned to the board. The board shall determine if the employment fulfills the requirement of Minnesota Statutes, section 148.291, subdivision 3.

Subp. 11. **Acceptable examinations for registered nurses.** The requirement of having passed a written examination acceptable to the board for registered nurse licensure is fulfilled if an applicant has:

A. passed a state-constructed examination or the State Board Test Pool Examination for Registered Nurses (SBTPE-RN) prior to 1957;

B. passed the SBTPE-RN after December 31, 1956, and before July 1, 1982, with a scaled score of at least 350 on each of the five parts; or

C. passed NCLEX-RN after June 30, 1982, with a scaled score of 1,600.

Subp. 12. **Acceptable examinations for practical nurses.** The requirement of having passed a written examination acceptable to the board for licensed practical nurse licensure is fulfilled if an applicant has:

A. passed a state-constructed examination or the State Board Test Pool Examination for Practical Nurses (SBTPE-PN) prior to 1960;

B. passed the SBTPE-PN after December 31, 1959, and before January 1, 1970, with a scaled score of at least 370;

C. passed the SBTPE-PN after December 31, 1969, and before October 1, 1982, with a scaled score of at least 400; or

D. passed NCLEX-PN after September 30, 1982, with a scaled score of at least 350.

Subp. 13. **Insufficient score.** An applicant for licensure whose examination score does not meet the Minnesota score requirement specified in subpart 11 or 12 must write the examination currently used in Minnesota, achieve the passing score established for the current examination, and meet requirements specified in part 6315.0400, subparts 2, 10, 11, and 12.

6315.0600 APPLICATION NULLIFICATION.

Subpart 1. **Licensure by examination.** The board will nullify an application for licensure by examination if the applicant:

A. did not write the first or second examination available following submission of a licensure application and fee;

B. did not rewrite the examination within 24 months after the last examination failed;

C. wrote the examination while enrolled in the final term of study but did not complete the course work during the

final term; or

D. did not submit the affidavit of graduation within 12 months after the examination.

The board will not nullify an application if it agrees on a different action during a disciplinary proceeding.

Subp. 2. **Licensure without examination.** The board will nullify an application for licensure without examination if the applicant fails to complete the application process within one year after submission of the application or within one year after notification by the board of a deficiency.

Subp. 3. **Destruction of application materials and forfeiture of fees.** For a nullified application, the fees shall be forfeited and the application and other documents may be destroyed according to the process specified in Minnesota Statutes, section 138.17, subdivision 7. If the applicant failed to submit the application and fees within one year after the board received any other documents relating to the application, the board may destroy the documents.

Subp. 4. **Reapplication.** If an individual whose application has been nullified wants to be licensed, a new licensure application must be submitted and all applicable licensure requirements must be met.

6315.0700 ADMINISTERING EXAMINATIONS FOR OTHER JURISDICTIONS.

The board will administer a licensure examination to a candidate applying for licensure in another jurisdiction. The fee for this service is $20. Personal checks are not accepted. The $20 fee, examination application and fee, and written authorization from the jurisdiction in which the applicant has applied for licensure by examination must be submitted no later than the date required of applicants for Minnesota licensure by examination.

6310.2900 REGISTRATION RENEWAL PROCEDURES.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **First registration renewal.** An individual who is issued a license by the board shall also be registered by the

board. The initial registration period is for less than two years. For registered nurses licensed August 1 through January 31 the registration period ends the next July 31. For those licensed February 1 through July 31 the registration period ends July 31 of the following year. 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.

Subp. 7. to 10. [Unchanged.]

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Initial registration period.** A person who is issued a license by the board shall also be registered by the board. The initial registration period is for less than two years. For licensed practical nurses licensed January 1 through June 30 the registration period ends December 31 of the same year. For those licensed July 1 through December 31, the registration period ends December 31 of the next year.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 7 1984
Joan Anderson Growe
Secretary of State

11:30 AM

APPROVED AS TO FORM AND LEGALITY.
September 7 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed (all new material)

6315.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 6315.0100 to 6315.0700, the following terms have the meanings given them.

Subp. 2. **Affidavit of continuing education.** "Affidavit of continuing education" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all continuing education requirements for licensure.

Subp. 3. **Affidavit of enrollment.** "Affidavit of enrollment" means the form supplied by the board used to authenticate officially that the applicant is enrolled in the final term of study in an approved nursing program.

Subp. 4. **Affidavit of graduation.** "Affidavit of graduation" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all requirements for graduation.

Subp. 5. **Approved.** "Approved" means the status granted to a professional nursing program or a practical nursing program by a nurse licensing agency or other official governmental agency in a state or territory of the United States, a Canadian province or a foreign country.

Subp. 6. **Board.** "Board" means the Minnesota Board of Nursing.

Subp. 7. **Completion.** "Completion" means that the applicant has fulfilled all the requirements of a program and is eligible for a degree, diploma, or certificate.

Subp. 8. **Enrolled in.** "Enrolled in" means to be satisfying the requirements of a specific course.

Subp. 9. **Examination application.** "Examination application" means the form supplied by the board used in applying for a professional or practical nurse examination.

Subp. 10. **Final term of study.** "Final term of study" means the last academic period (quarter, term, session, or semester) that is necessary for an applicant to complete graduation requirements.

Subp. 11. **Jurisdiction.** "Jurisdiction" means a state or

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territory of the United States.

Subp. 12. **Graduation.** "Graduation" means completion of an approved nursing program.

Subp. 13. **License.** "License" means the document issued by the board to an individual who meets for the first time the requirements for practicing professional or practical nursing in Minnesota.

Subp. 14. **Licensure application.** "Licensure application" means the form supplied by the board used in applying for professional or practical nurse licensure.

Subp. 15. **Mental health.** "Mental health" means an individual's emotional or intellectual ability to adapt to a changing environment.

Subp. 16. **Moral character.** "Moral character" means the individual's ability to distinguish between right and wrong and act accordingly.

Subp. 17. **Nursing ability.** "Nursing ability" means the mental and physical capacity and skill necessary to perform nursing actions.

Subp. 18. **Permit.** "Permit" means the document issued by the board that authorizes the practice of professional or practical nursing in Minnesota prior to final board action on the application for licensure.

Subp. 19. **Practical nursing program.** "Practical nursing program" means a program designed to prepare students for licensure as licensed practical nurses.

Subp. 20. **Professional nursing program.** "Professional nursing program" means a program designed to prepare students for licensure as registered nurses.

Subp. 21. **Program.** "Program" means an organized set of courses designed to prepare students to meet the nursing education requirements for licensure as practical or professional nurses.

6315.0200 PURPOSE AND AUTHORITY.

Parts 6315.0100 to 6315.0700 are adopted pursuant to Minnesota Statutes, section 148.191. The parts pertain to the

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authorization to practice, the requirements for licensure by examination, the requirements for licensure without examination, and nullification of applications. Part 6315.0400 applies to applicants who have not passed an examination acceptable to the board. Part 6315.0500 applies to applicants who have passed an examination acceptable to the board.

6315.0300 AUTHORIZATION TO PRACTICE NURSING.

Subpart 1. **Required authorization.** A Minnesota license or permit is required if an individual practices professional nursing as defined in Minnesota Statutes, section 148.171, clause (3), or practical nursing as defined in Minnesota Statutes, section 148.29, subdivision 4, whether for monetary compensation or as a volunteer, except as provided in Minnesota Statutes, sections 148.271 and 148.295. If the permit is revoked or expires, whichever occurs first, an applicant must not practice nursing until a license has been issued.

Minnesota licensure is not required for a nurse licensed in another jurisdiction who is in Minnesota as a student enrolled in a course of study which involves nursing practice, such as a course leading to a higher degree or certification in a nursing specialty or to enhanced skills in a clinical field.

Subp. 2. **License.** The board shall license an applicant to practice when the applicant has met all requirements of applicable statutes and rules. The license must bear the seal of the board, date of issue, license number, and type of licensure.

Subp. 3. **Duplicate original license.** Duplicate original licenses are not issued for any reason.

Subp. 4. **Eligibility for permit to practice nursing with direct supervision.** The board shall grant an applicant a permit to practice nursing under the direct supervision of a registered nurse if the applicant:

A. has not been licensed by examination in another jurisdiction;

B. applies for a permit to practice on a form obtained from the board;

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C. has submitted the licensure application, licensure fee, examination application, examination fee, and affidavit of graduation;

D. has not had an application nullified;

E. has not had a permit revoked;

F. has not had a permit expire;

G. has graduated from an approved program as specified in part 6315.0400, subpart 4 or 5; and

H. has written or is eligible to write the first examination administered after graduation. An applicant who has written the examination before graduating becomes eligible for a permit after graduation. An applicant who has written the examination in another jurisdiction must submit, on a form supplied by the board, proof from the other jurisdiction that the applicant wrote the first examination administered after graduation.

Subp. 5. **Required supervision.** An applicant who holds a permit to practice nursing with direct supervision must practice under the direct supervision of a registered nurse licensed and currently registered in Minnesota. There must be a registered nurse assigned to observe, direct, and evaluate the performance of the permit holder. A permit holder shall be able to identify at all times the registered nurse who is providing direct supervision. The registered nurse shall not be engaged in other activities that would prevent the registered nurse from providing direct supervision to the permit holder. The registered nurse providing the supervision shall be physically present on the unit or within the facility where the permit holder is practicing nursing. If the assigned responsibilities for a given shift require nursing abilities that have not been acquired by the permit holder and if the care to be provided involves a patient with severe or urgent conditions or a patient with an unstable condition, the registered nurse providing the supervision must be on the unit with the permit holder. If the assigned responsibilities for a given shift require nursing abilities that have been acquired by the permit holder and the

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care to be provided is simple and routine, the registered nurse providing the supervision must be in the facility with the permit holder. The permit holder shall not function in a position that requires supervision of other nursing personnel.

Subp. 6. **Permit to practice nursing without direct supervision.** The board shall grant an applicant a permit to practice nursing that does not require direct supervision if the applicant:

A. submits the licensure application and licensure fee;

B. is licensed in another jurisdiction or Canadian province by an examination acceptable to the board;

C. applies for a permit to practice on a form obtained from the board; and

D. submits evidence of licensure and current eligibility to practice in another jurisdiction or Canadian province. Evidence of licensure and eligibility to practice may include, but is not limited to, a notarized copy of the document from another jurisdiction or Canadian province that authorizes current practice, an official statement from another jurisdiction or Canadian province that the applicant is currently authorized to practice, or an official statement from another jurisdiction or Canadian province that the licensure examination was passed and that the applicant is authorized to practice pending licensure.

Subp. 7. **Length of permit.** The permit authorizing practice under the direct supervision of a registered nurse expires eight weeks after the administration of the examination or upon the applicant's notification by the board of failure on the examination, whichever occurs first. The board shall not extend this permit even if an applicant passes the examination.

The permit authorizing practice without direct supervision expires six months after the date of issue, but the board shall extend this permit if licensure cannot occur because of a processing delay by another nurse licensing agency.

Subp. 8. **Revocation of permit.** The board shall revoke a

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permit in the following situations.

A. The board shall revoke a permit if the permit holder:

(1) does not write the scheduled examination;

(2) has been notified of the results of the examination;

(3) is licensed by the board;

(4) did not write in another jurisdiction an examination acceptable to the board;

(5) did not pass an examination in another jurisdiction with a score acceptable to the board; or

(6) is not eligible for licensure.

B. The board may act to decide whether to revoke a permit if the board determines that:

(1) an applicant for licensure by examination did not meet the graduation requirement specified in part 6315.0400, subpart 4 or 5;

(2) an applicant for licensure without examination presented fraudulent evidence of licensure in another jurisdiction or Canadian province; or

(3) an applicant has engaged in conduct which constitutes grounds for denial of a license.

Subp. 9. **Designated titles.** The permit holder who is an applicant for registered nurse licensure shall use the title "graduate nurse," abbreviated "GN." The permit holder who is an applicant for licensed practical nurse licensure shall use the title "graduate practical nurse," abbreviated as "GPN."

6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. **Licensure application.** An applicant shall obtain the application forms for licensure and instructions for filing from the board. An applicant shall respond to questions on the application that relate to causes for denial of licensure listed in Minnesota Statutes, section 148.261 for the registered nurse and Minnesota Statutes, section 148.297 for the licensed practical nurse. An applicant shall submit true information. Falsification or omission of information constitutes unethical

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conduct and provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant.

Subp. 2. **Examination application.** An applicant shall obtain an examination application from the board. The application and examination fee must be submitted to the agency specified by the board. The examination application and fee must be submitted to the agency each time an applicant wants to be scheduled to take an examination.

Subp. 3. **Evidence of good moral character and good mental health.** An applicant shall verify on the application that he or she is of good moral character and in good mental health. The board may require further evidence of an applicant's character or mental health if the board has information satisfying one of the following conditions:

A. implying a violation of a federal, state, or local law or rule;

B. constituting grounds for denial of a license, if true;

C. implying that the applicant provided inaccurate information or omitted information solicited on the licensure or examination applications;

D. pertaining to behavior of the applicant during the applicant's educational period which suggests that the applicant is not of good moral character or not in good mental health;

E. showing that the applicant may have cheated on the licensing examination;

F. showing that the applicant was discharged from employment;

G. showing that disciplinary action was taken or is pending or the applicant is under investigation by another nurse licensing agency; or

H. showing that at the time of board action on an application the applicant is hospitalized for treatment of mental illness.

Subp. 4. **Graduation from approved professional nursing**

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program. An applicant who has graduated from an approved professional nursing program is eligible for licensure as a registered nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

A. The learning activities involved patients in each of the following categories:

(1) newborn through 11 months;

(2) one year through 12 years;

(3) 18 years through 64 years;

(4) 65 years and older;

(5) healthy patients, such as patients in an uncomplicated maternity cycle or patients in need of health teaching;

(6) acutely ill patients suffering from an illness with a short and relatively severe course; and

(7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

(1) patients having nursing care needs in all stages of illness;

(2) adults, including those over 65 years of age and children receiving medical and surgical therapy;

(3) patients having mental illness; and

(4) mothers and newborn infants in the maternity cycle.

Subp. 5. **Graduation from approved practical nursing program.** An applicant who has graduated from an approved practical nursing program is eligible for licensure as a licensed practical nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

A. The learning activities involved patients in each of the following categories:

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(1) newborn through 11 months;

(2) one year through 12 years;

(3) 18 years through 64 years;

(4) 65 years and older;

(5) healthy patients, such as patients in an uncomplicated maternity cycle;

(6) acutely ill patients suffering from an illness with a short and relatively severe course; and

(7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

(1) children;

(2) mothers of newborn infants;

(3) newborn infants;

(4) adults with common illnesses;

(5) geriatric patients; and

(6) patients with mental and emotional problems.

Subp. 6. **Transcripts necessary for applicants educated in foreign countries.** An applicant who has graduated from a program in another country shall submit a transcript. The applicant shall also submit a course description if the entries on the transcript are not self-explanatory as to course content. If the transcript and course description are not in English, a translation must be done by an agency or individual specified by the board. The cost of this translation must be paid by the applicant.

Subp. 7. **Resolution of educational deficiencies.** Any deficit in nursing education as outlined in subpart 4 or 5 must be made up prior to admission to the examination in one of the following ways:

A. The applicant must successfully complete a regular course or a course designed for an applicant that includes classroom instruction, clinical instruction, and evaluation of nursing ability in the area of deficit in an approved nursing program which prepares students for the type of licensure for

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ch the applicant is applying.

B. If the deficit is a clinical instruction and aluation of nursing ability deficit and not a classroom ficit, an applicant for registered nurse licensure must ccessfully complete 90 hours of clinical instruction including valuation of nursing ability in the deficit area, and an pplicant for licensed practical nurse licensure must uccessfully complete 65 hours of clinical instruction including evaluation of nursing ability in the deficit area. The clinical instruction including evaluation must be supervised by a registered nurse.

The applicant must submit evidence of having completed item A or B on an affidavit provided by the board and signed by all individuals responsible for the make-up activities.

Subp. 8. **Affidavit of graduation.** An applicant shall have an affidavit of graduation completed and signed by an official of the nursing program. The completed affidavit must bear the seal or stamp of the program. An applicant must submit the affidavit prior to the examination unless the applicant will be writing the examination before graduation. An applicant who graduates after writing an examination shall submit the affidavit after graduation but before licensure. An applicant who fails an examination shall submit the affidavit before reexamination.

Subp. 9. **Affidavit of enrollment.** An applicant who writes the examination before graduation shall have an affidavit of enrollment completed and signed by an official of the nursing program. The completed affidavit must bear the seal or stamp of the program and be submitted prior to the examination.

Subp. 10. **Fees.** The board shall charge the following fees.

A. The licensure fee is $50 for an applicant for registered nurse licensure and $35 for an applicant for licensed practical nurse licensure. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

B. The examination fee is set by the examination

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vendor and must be submitted to the agency specified by the board each time an applicant wants to be scheduled to write an examination.

C. The reexamination fee is $25 for an applicant for registered nurse licensure and $10 for an applicant for licensed practical nurse licensure. The fee must be paid to the board.

D. A late filing fee of $20 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

(1) licensure application and fee;

(2) examination application and fee;

(3) reexamination application and fee.

E. Personal checks are not accepted. Each remittance must be in the form of United States currency, cashier's check, or money order.

F. If for any reason a license is not issued, fees are not refundable.

Subp. 11. **Deadline for submitting material.** The deadline for submitting all required applications and fees is 56 calendar days preceding an examination. The board shall use the postmark and address to determine compliance. If the required applications and fees are not received on time, the applicant must pay a late filing fee.

All other documents, late applications and fees, and the late filing fee if applicable, must be received no later than 4:30 p.m. the day prior to an examination.

Subp. 12. **Written examination.** The licensure examinations are the examinations of the National Council of State Boards of Nursing, Inc. The passing score required on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) is a scaled score of 1,600. The passing score required on the National Council Licensure Examination for Practical Nurses (NCLEX-PN) is a scaled score of 350.

A. An applicant shall be scheduled for an examination when the following have been received by the required date or time: applications for licensure and examination; fees for

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licensure and examination; affidavit of graduation or enrollment; and, when applicable, reexamination application and fee; late filing fee, transcript, course description, translation of transcript and course description, and affidavit that any educational deficit was made up. An applicant may write an examination before graduation if he or she meets all of the following requirements:

(1) The applicant must be enrolled in the final term of study in an approved Minnesota program.

(2) The remaining course work must not include any elective or required nursing courses.

(3) The applicant must not have been on academic probation in the term prior to the final term.

(4) The applicant must not be repeating a course to improve the grade in the course in order to meet graduation requirements.

(5) The applicant must not have written a previous NCLEX examination in Minnesota.

B. The board will notify the applicant by mail of the examination the applicant is scheduled to write. At least ten days prior to an examination the board shall mail an admission document to each applicant accepted to write the examination. Placing the notice and admission document in first class United States mail, postage prepaid and addressed to the applicant's last known address constitutes mailing.

C. For admission to the examination, the applicant must present the admission document, a head and shoulders photograph, and a document bearing the applicant's signature. The photograph must be part of a driver's license, nondriver's state identification card, passport, alien registration card, student identification card, or a photograph affixed with the school seal and signed by the director of the nursing program.

D. An applicant admitted late to any portion of the examination shall not be allowed extra time. An applicant will not be admitted to any portion of the examination after any applicant has finished that portion and left the examination

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room. An applicant who does not write the first portion of the examination shall not be allowed to write other portions.

E. Official notification of the score received shall be by first class United States mail, postage prepaid.

F. An applicant who has failed an examination may have the examination rescored by: submitting a written request to the board within one month following the release of the results of the examination; and meeting any procedural requirements including fees of the examination vendor.

G. An applicant who fails an examination may apply for reexamination on a reexamination application supplied by the board and must obey all other applicable rules. If an application is received without a fee, it shall be returned to the applicant.

H. An applicant may write the examination for Minnesota licensure specified in subpart 12 in another jurisdiction if the board authorizes the applicant to do so and the jurisdiction is willing to administer the examination. The applicant must meet any procedural requirements and pay any fees set by the other jurisdiction.

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. **Proof of licensure in another jurisdiction or country.** To be licensed to practice nursing in Minnesota without writing an examination, an applicant must submit proof, on a form provided by the board, that he or she is licensed in another jurisdiction, Canadian province, or country and has passed an examination acceptable to the board as listed in subparts 11 and 12. Proof of licensure must be obtained from the jurisdiction, Canadian province, or country in which the applicant was first licensed and in which the applicant was most recently employed.

Subp. 2. **Licensure application.** An applicant shall obtain the application forms and instructions for filing from the board. An applicant shall respond to questions on the application that relate to causes for denial of licensure listed in Minnesota Statutes, section 148.261, for the registered nurse and

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Minnesota Statutes, section 148.297, for the licensed practical nurse. An applicant shall submit true information. Falsification or omission of any information constitutes unethical conduct and provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant. Application for licensure begins on the date when an application and fee are received by the board.

Subp. 3. Fee. The fee for licensure is $40 for registered nurse applicants and $30 for licensed practical nurse applicants. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. **Evidence of good moral character and good mental health.** An applicant shall verify on the application that he or she is of good moral character and in good mental health. The board may require further evidence of an applicant's character or mental health if the board has information satisfying one of the following conditions:

A. implying a violation of a federal, state, or local law or rule;

B. constituting grounds for denial of a license, if true;

C. showing that disciplinary action was taken or is pending or the applicant is under investigation by another nurse licensing agency;

D. showing that the applicant provided inaccurate information or omitted information solicited on the licensure application;

E. showing that the applicant was discharged from employment; or

F. showing that at the time of application the applicant is hospitalized for treatment of mental illness.

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Subp. 5. **Graduation from approved nursing program.** An applicant who has graduated from an approved nursing program is eligible for licensure provided that the applicant can present evidence of graduation.

Subp. 6. **Waiver of graduation requirement.** The board shall waive the requirement of graduation from an approved nursing program if:

A. an applicant has been licensed by another jurisdiction or Canadian province based on requirements equivalent to the qualifications required in Minnesota at the time of the applicant's original licensure; or

B. an applicant for licensed practical nurse licensure has been licensed by another jurisdiction and passed NCLEX-PN with a score specified in subpart 12 and has had at least 4,000 clock hours of employment as a licensed practical nurse in the 60 calendar months preceding application for licensure in Minnesota.

Subp. 7. **Current nursing education or experience.** An applicant who has been employed in nursing or who has graduated from an approved nursing program during the two years immediately preceding application for licensure is exempt from the continuing education requirements as specified in subparts 8 and 9. Employment references must be submitted to verify employment dates. An affidavit of graduation or evidence from the nurse licensing agency in another jurisdiction or Canadian province must be submitted to verify the graduation date.

Subp. 8. **Continuing education for registered nurses.** An applicant for registered nurse licensure who has not been employed as a registered nurse during the two years immediately preceding receipt by the board of the application must participate in continuing education activities which meet the criteria specified in part 6310.2800 and must submit an affidavit of continuing education. The continuing education participation must have occurred within the 24 months preceding board action on the application for licensure.

Subp. 9. **Continuing education for practical nurses.** An

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applicant for licensed practical nurse licensure who has not been employed in nursing during the two years immediately preceding receipt by the board of the application must participate in one of the following continuing education activities: at least 15 clock hours of a nurse refresher course; at least 15 clock hours of nursing-related continuing education courses; or an orientation program at least 15 clock hours in length conducted by an employer or potential employer. The continuing education must have occurred within the 24 months preceding board action on the application for licensure. The applicant must submit an affidavit of continuing education.

Subp. 10. **Affidavit of graduation.** An applicant must submit an affidavit of graduation, signed by an official of the nursing program and bearing the seal or stamp of the program. An affidavit is not required if the licensing authority in another jurisdiction or Canadian province verifies graduation from an approved program. If a licensed practical nurse applicant has not graduated from an approved program, the applicant shall send his or her employer a form supplied by the board for documentation of 4,000 clock hours of employment. The form must be completed by the employer and returned to the board. The board shall determine if the employment fulfills the requirement of Minnesota Statutes, section 148.291, subdivision 3.

Subp. 11. **Acceptable examinations for registered nurses.** The requirement of having passed a written examination acceptable to the board for registered nurse licensure is fulfilled if an applicant has:

A. passed a state-constructed examination or the State Board Test Pool Examination for Registered Nurses (SBTPE-RN) prior to 1957;

B. passed the SBTPE-RN after December 31, 1956, and before July 1, 1982, with a scaled score of at least 350 on each of the five parts; or

C. passed NCLEX-RN after June 30, 1982, with a scaled score of 1,600.

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Subp. 12. **Acceptable examinations for practical nurses.** The requirement of having passed a written examination acceptable to the board for licensed practical nurse licensure is fulfilled if an applicant has:

A. passed a state-constructed examination or the State Board Test Pool Examination for Practical Nurses (SBTPE-PN) prior to 1960;

B. passed the SBTPE-PN after December 31, 1959, and before January 1, 1970, with a scaled score of at least 370;

C. passed the SBTPE-PN after December 31, 1969, and before October 1, 1982, with a scaled score of at least 400; or

D. passed NCLEX-PN after September 30, 1982, with a scaled score of at least 350.

Subp. 13. **Insufficient score.** An applicant for licensure whose examination score does not meet the Minnesota score requirement specified in subpart 11 or 12 must write the examination currently used in Minnesota, achieve the passing score established for the current examination, and meet requirements specified in part 6315.0400, subparts 2, 10, 11, and 12.

6315.0600 APPLICATION NULLIFICATION.

Subpart 1. **Licensure by examination.** The board will nullify an application for licensure by examination if the applicant:

A. did not write the first or second examination available following submission of a licensure application and fee;

B. did not rewrite the examination within 24 months after the last examination failed;

C. wrote the examination while enrolled in the final term of study but did not complete the course work during the final term; or

D. did not submit the affidavit of graduation within 12 months after the examination.

The board will not nullify an application if it agrees on a different action during a disciplinary proceeding.

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Subp. 2. **Licensure without examination.** The board will nullify an application for licensure without examination if the applicant fails to complete the application process within one year after submission of the application or within one year after notification by the board of a deficiency.

Subp. 3. **Destruction of application materials and forfeiture of fees.** For a nullified application, the fees shall be forfeited and the application and other documents may be destroyed according to the process specified in Minnesota Statutes, section 138.17, subdivision 7. If the applicant failed to submit the application and fees within one year after the board received any other documents relating to the application, the board may destroy the documents.

Subp. 4. **Reapplication.** If an individual whose application has been nullified wants to be licensed, a new licensure application must be submitted and all applicable licensure requirements must be met.

6315.0700 ADMINISTERING EXAMINATIONS FOR OTHER JURISDICTIONS.

The board will administer a licensure examination to a candidate applying for licensure in another jurisdiction. The fee for this service is $20. Personal checks are not accepted. The $20 fee, examination application and fee, and written authorization from the jurisdiction in which the applicant has applied for licensure by examination must be submitted no later than the date required of applicants for Minnesota licensure by examination.

Rules as Proposed

6310.2900 REGISTRATION RENEWAL PROCEDURES.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **First registration renewal.** An individual who is issued a license by the board shall also be registered by the board. The initial registration period is for less than two years. For registered nurses licensed August 1 through January 31 the registration period ends the next July 31. For those

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licensed February 1 through July 31 the registration period ends July 31 of the following year. 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.

Subp. 7. to 10. [Unchanged.]

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Initial registration period.** A person who is issued a license by the board shall also be registered by the board. The initial registration period is for less than two years. For licensed practical nurses licensed January 1 through June 30 the registration period ends December 31 of the same year. For those licensed July 1 through December 31, the registration period ends December 31 of the next year.

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OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD322

Agency: Board of Nursing

Division:

Agency Contact: Sandra J. MacKenzie, RN 623-5189

Minnesota Rules: Parts 6310.2900, 6310.7600, and 6315.0100 to 6315.0700

Title: Proposed Licensing Rules

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

Steven C. Cross

Revisor of Statutes

Linda S. Jessen

Assistant Deputy Revisor

Phone: 297-2953

Date: May 1, 1984

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Adoption of Rules of the Board of Nursing Governing Authorization to Practice; Requirements for Licensure by Exam; Requirements for Licensure Without Exam; Nullification and Registration Renewal

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 June 11, 1984, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1 on June 8, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than 25 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 Minn. Rules pt. 6315.0100-0700, Minn. Rules pt. 6310.2900, and Minn. Rules pt. 6310.7600 are adopted this 3rd day of August, 1984 pursuant to authority vested in the Board of Nursing by Minnesota Statutes, sections 148.211, 231, 291 and 294.

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 Adoption of Rules of the Minnesota Board of Nursing Governing Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure without Examination, Nullification of Applications and Registration Renewal

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 24th day of May, 1984 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Board of Nursing for that purpose and be published in the State Register.

MINNESOTA BOARD OF NURSING

Joyce M. Schowalter

JOYCE M. SCHOWALTER
Executive Secretary



CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Dorothy Mrkonich, do hereby certify that I am a member and the President of the Board of Nursing 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 6th day of April, 1984, 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 Schowalter, executive secretary of the Board of Nursing, be and she hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing the Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure without Examination, Nullification of Applications and Registration Renewal, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, she hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6th day of April, 1984.

Dorothy Mrkonich
President of the Board

Marilyn Bray
Attest by one Other Board Member

In the Matter of the Proposed Adoption
of Rules of the Minnesota Board of Nursing
Governing Authorization to Practice,
Requirements for Licensure by Examination,
Requirements for Licensure without Examination,
Nullification of Applications and
Registration Renewal

NOTICE OF INTENT TO
ADOPT RULES WITHOUT A
PUBLIC HEARING

Notice is hereby given that the Minnesota Board of Nursing proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13-14.18.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Sandra MacKenzie
Minnesota Board of Nursing
717 Delaware Street, S.E.
Minneapolis, Minnesota 55414
(612) 623-5493

Authority for the adoption of these rules is contained in Minn. Stat. §§ 148.211,231,291 & 296 (1982). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of

the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Sandra MacKenzie upon request at the above listed address.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments recieved, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Sandra MacKenzie at the above listed address.

[A copy of the proposed rules is attached to this Notice.]

Copies of this Notice and the proposed rules are available and may be obtained by contacting Sandra MacKenzie at the above listed address.

MINNESOTA BOARD OF NURSING

JOYCE M. SCHOWALTER
Executive Secretary

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

In the Matter of the Proposed Adoption
of Rules of the Minnesota Board of Nursing
Governing Authorization to Practice,
Requirements for Licensure by Examination,
Requirements for Licensure with Examination,
Nullification of Applications and
Registration Renewal

AFFIDAVIT OF SERVICE

I, Priscilla Zeug, being first duly sworn upon oath, deposes and says:

That on the 8th day of June, 1984, at the City of Minneapolis, County of Hennepin, State of Minnesota, I served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the Central Mail Room at the Minnesota Department of Health Building in the normal business practice established by the Department for United States mail, first class postage prepaid, at said City of Minneapolis, a copy thereof, properly enveloped, postage prepaid, and addressed 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
Signature

State of Minnesota

County of Hennepin

Subscribed and sworn to before me this

23rd day of August, 1984.

Marilyn A. Wolner
Signature - Notary

My commission expires:

MARILYN A. WOLNER
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES APRIL 30, 1991

(4) a detailed budget for the first year and projected budgets for future years.

C. The applicant shall document fiscal responsibility and the ability to complete the construction, acquisition, or modification of the structure and to maintain the structure in accordance with its funded use for a specific period of time.

Subp. 2. For structures. To be eligible for selection for a grant, a proposed temporary housing structure must satisfy the following requirements:

A. The structure must provide temporary housing for persons and families of low and moderate income.

B. The structure must provide a physical environment that is responsive to the needs of the population to be served.

C. The structure must comply with applicable state and local codes, zoning ordinances, land use provisions, and laws.

D. The structure must be located in the state of Minnesota.

4900.1703 [Emergency] SELECTION CRITERIA FOR GRANTS.

The agency shall take the following criteria into consideration when determining which applications will be funded:

A. the extent to which the grant is combined with funds or in-kind contributions from other public and private sources;

B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the grant;

C. the availability and source of funds to pay the ongoing cost of the support services;

D. the distribution of funds to service a variety of populations, including but not limited to, families with children, couples, single persons, or persons leaving shelter for family abuse;

E. the geographic distribution of the funded applications within the state;

F. the immediacy of the need documented for temporary housing in the area in which the structure is located;

G. the capacity of the applicant to proceed promptly with the acquisition, construction, or rehabilitation of the structure;

H. the amount of the grant requested as compared to the total resources available for these grants;

I. the extent to which the application receives the support and participation of the local community;

J. the geographic location of the structure in relation to support services recreational facilities, medical facilities, and transportation;

K. the reasonableness of the acquisition, construction, or rehabilitation cost with preference given to applications that minimize the cost per temporary housing units produced;

L. the extent to which the application uses innovative cost-effective support services which are appropriate to the needs of the population served; and

M. the experience of the applicant in developing or managing housing, providing support services, and servicing the specific target population of homeless persons.

Board of Nursing

Proposed Licensing Rules

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Nursing proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13-14.18.

Person who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Sandra MacKenzie
Minnesota Board of Nursing
717 Delaware Street, S.E.
Minneapolis, Minnesota 55414
(612) 623-5493

Authority for the adoption of these rules is contained in Minn. Stat. §§ 148.211,231,291 & 296 (1982). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Sandra MacKenzie upon request at the above listed address.

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 delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Sandra MacKenzie at the above listed address.

A copy of the proposed rules is attached to this Notice.

Copies of the notice and the proposed rules are available and may be obtained by contacting Sandra MacKenzie at the above listed address.

Joyce M. Schowalter
Executive Secretary
Minnesota Board of Nursing

Rules as Proposed (all new material)

6315.0100 DEFINITIONS.

Subpart 1. Scope. As used in parts 6315.0100 to 6315.0700, the following terms have the meanings given them.

Subp. 2. **Affidavit of continuing education.** "Affidavit of continuing education" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all continuing education requirements for licensure.

Subp. 3. **Affidavit of enrollment.** "Affidavit of enrollment" means the form supplied by the board used to authenticate officially that the applicant is enrolled in the final term of study in an approved nursing program.

Subp. 4. **Affidavit of graduation.** "Affidavit of graduation" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all requirements for graduation.

Subp. 5. **Approved.** "Approved" means the status granted to a professional nursing program or a practical nursing program by a nurse licensing agency or other official governmental agency in a state or territory of the United States, a Canadian province or a foreign country.

Subp. 6. **Board.** "Board" means the Minnesota Board of Nursing.

Subp. 7. **Completion.** "Completion" means that the applicant has fulfilled all the requirements of a program and is eligible for a degree, diploma, or certificate.

Subp. 8. **Enrolled in.** "Enrolled in" means to be satisfying the requirements of a specific course.

Subp. 9. **Examination application.** "Examination application" means the form supplied by the board used in applying for a professional or practical nurse examination.

Subp. 10. **Final term of study.** "Final term of study" means the last academic period (quarter, term, session, or semester) that is necessary for an applicant to complete graduation requirements.

Subp. 11. **Jurisdiction.** "Jurisdiction" means a state or territory of the United States.

Subp. 12. **Graduation.** "Graduation" means completion of an approved nursing program.

Subp. 13. **License.** "License" means the document issued by the board to an individual who meets for the first time the requirements for practicing professional or practical nursing in Minnesota.

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.

Subp. 14. Licensure application. "Licensure application" means the form supplied by the board used in applying for professional or practical nurse licensure.

Subp. 15. Mental health. "Mental health" means an individual's emotional or intellectual ability to adapt to a changing environment.

Subp. 16. Moral character. "Moral character" means the individual's ability to distinguish between right and wrong and act accordingly.

Subp. 17. Nursing ability. "Nursing ability" means the mental and physical capacity and skill necessary to perform nursing actions.

Subp. 18. Permit. "Permit" means the document issued by the board that authorizes the practice of professional or practical nursing in Minnesota prior to final board action on the application for licensure.

Subp. 19. Practical nursing program. "Practical nursing program" means a program designed to prepare students for licensure as licensed practical nurses.

Subp. 20. Professional nursing program. "Professional nursing program" means a program designed to prepare students for licensure as registered nurses.

Subp. 21. Program. "Program" means an organized set of courses designed to prepare students to meet the nursing education requirements for licensure as practical or professional nurses.

6315.0200 PURPOSE AND AUTHORITY.

Parts 6315.0100 to 6315.0700 are adopted pursuant to Minnesota Statutes, section 148.191. The parts pertain to the authorization to practice, the requirements for licensure by examination, the requirements for licensure without examination, and nullification of applications. Part 6315.0400 applies to applicants who have not passed an examination acceptable to the board. Part 6315.0500 applies to applicants who have passed an examination acceptable to the board.

6315.0300 AUTHORIZATION TO PRACTICE NURSING.

Subpart 1. Required authorization. A Minnesota license or permit is required if an individual practices professional nursing as defined in Minnesota Statutes, section 148.171, clause (3), or practical nursing as defined in Minnesota Statutes, section 148.29, subdivision 4, whether for monetary compensation or as a volunteer, except as provided in Minnesota Statutes, sections 148.271 and 148.295. If the permit is revoked or expires, whichever occurs first, an applicant must not practice nursing until a license has been issued.

Minnesota licensure is not required for a nurse licensed in another jurisdiction who is in Minnesota as a student enrolled in a course of study which involves nursing practice, such as a course leading to a higher degree or certification in a nursing specialty, or to enhanced skills in a clinical field.

Subp. 2. License. The board shall license an applicant to practice when the applicant has met all requirements of applicable statutes and rules. The license must bear the seal of the board, date of issue, license number, and type of licensure.

Subp. 3. Duplicate original license. Duplicate original licenses are not issued for any reason.

Subp. 4. Eligibility for permit to practice nursing with direct supervision. The board shall grant an applicant a permit to practice nursing under the direct supervision of a registered nurse if the applicant:

A. has not been licensed by examination in another jurisdiction;

B. applies for a permit to practice on a form obtained from the board;

C. has submitted the licensure application, licensure fee, examination application, examination fee, and affidavit of graduation;

D. has not had an application nullified;

E. has not had a permit revoked;

F. has not had a permit expire;

G. has graduated from an approved program as specified in part 6315.0400, subpart 4 or 5; and

H. has written or is eligible to write the first examination administered after graduation. An applicant who has written the examination before graduating becomes eligible for a permit after graduation. An applicant who has written the examination in another jurisdiction must submit, on a form supplied by the board, proof from the other jurisdiction that the applicant wrote the first examination administered after graduation.

Subp. 5. Required supervision. An applicant who holds a permit to practice nursing with direct supervision must practice

under the direct supervision of a registered nurse licensed and currently registered in Minnesota. There must be a registered nurse assigned to observe, direct, and evaluate the performance of the permit holder. A permit holder shall be able to identify at all times the registered nurse who is providing direct supervision. The registered nurse shall not be engaged in other activities that would prevent the registered nurse from providing direct supervision to the permit holder. The registered nurse providing the supervision shall be physically present on the unit or within the facility where the permit holder is practicing nursing. If the assigned responsibilities for a given shift require nursing abilities that have not been acquired by the permit holder and if the care to be provided involves a patient with severe or urgent conditions or a patient with an unstable condition, the registered nurse providing the supervision must be on the unit with the permit holder. If the assigned responsibilities for a given shift require nursing abilities that have been acquired by the permit holder and the care to be provided is simple and routine, the registered nurse providing the supervision must be in the facility with the permit holder. The permit holder shall not function in a position that requires supervision of other nursing personnel.

Subp. 6. Permit to practice nursing without direct supervision. The board shall grant an applicant a permit to practice nursing that does not require direct supervision if the applicant:

A. submits the licensure application and licensure fee;

B. is licensed in another jurisdiction or Canadian province by an examination acceptable to the board;

C. applies for a permit to practice on a form obtained from the board; and

D. submits evidence of licensure and current eligibility to practice in another jurisdiction or Canadian province. Evidence of licensure and eligibility to practice may include, but is not limited to, a notarized copy of the document from another jurisdiction or Canadian province that authorizes current practice, an official statement from another jurisdiction or Canadian province that the applicant is currently authorized to practice, or an official statement from another jurisdiction or Canadian province that the licensure examination was passed and that the applicant is authorized to practice pending licensure.

Subp. 7. Length of permit. The permit authorizing practice under the direct supervision of a registered nurse expires eight weeks after the administration of the examination or upon the applicant's notification by the board of failure on the examination, whichever occurs first. The board shall not extend this permit even if an applicant passes the examination.

The permit authorizing practice without direct supervision expires six months after the date of issue, but the board shall extend this permit if licensure cannot occur because of a processing delay by another nurse licensing agency.

Subp. 8. Revocation of permit. The board shall revoke a permit in the following situations.

A. The board shall revoke a permit if the permit holder:

(1) does not write the scheduled examination;

(2) has been notified of the results of the examination;

(3) is licensed by the board;

(4) did not write in another jurisdiction an examination acceptable to the board;

(5) did not pass an examination in another jurisdiction with a score acceptable to the board; or

(6) is not eligible for licensure.

B. The board may act to decide whether to revoke a permit if the board determines that:

(1) an applicant for licensure by examination did not meet the graduation requirement specified in part 6315.0400, subpart 4 or 5;

(2) an applicant for licensure without examination presented fraudulent evidence of licensure in another jurisdiction or Canadian province; or

(3) an applicant has engaged in conduct which constitutes grounds for denial of a license.

Subp. 9. Designated titles. The permit holder who is an applicant for registered nurse licensure shall use the title "graduate nurse," abbreviated "GN." The permit holder who is an applicant for licensed practical nurse licensure shall use the title "graduate practical nurse," abbreviated as "GPN."

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6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. Licensure application. An applicant shall obtain the application forms for licensure and instructions for filing from the board. An applicant shall respond to questions on the application that relate to causes for denial of licensure listed in Minnesota Statutes, section 148.261 for the registered nurse and Minnesota Statutes, section 148.297 for the licensed practical nurse. An applicant shall submit true information. Falsification or omission of information constitutes unethical conduct and provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant.

Subp. 2. Examination application. An applicant shall obtain an examination application from the board. The application and examination fee must be submitted to the agency specified by the board. The examination application and fee must be submitted to the agency each time an applicant wants to be scheduled to take an examination.

Subp. 3. Evidence of good moral character and good mental health. An applicant shall verify on the application that he or she is of good moral character and in good mental health. The board may require further evidence of an applicant's character or mental health if the board has information satisfying one of the following conditions:

A. implying a violation of a federal, state, or local law or rule;

B. constituting grounds for denial of a license, if true;

C. implying that the applicant provided inaccurate information or omitted information solicited on the licensure or examination applications;

D. pertaining to behavior of the applicant during the applicant's educational period which suggests that the applicant is not of good moral character or not in good mental health;

E. showing that the applicant may have cheated on the licensing examination;

F. showing that the applicant was discharged from employment;

G. showing that disciplinary action was taken or is pending or the applicant is under investigation by another nurse licensing agency; or

H. showing that at the time of board action on an application the applicant is hospitalized for treatment of mental illness.

Subp. 4. Graduation from approved professional nursing program. An applicant who has graduated from an approved professional nursing program is eligible for licensure as a registered nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

A. The learning activities involved patients in each of the following categories:

(1) newborn through 11 months;

(2) one year through 12 years;

(3) 18 years through 64 years;

(4) 65 years and older;

(5) healthy patients, such as patients in an uncomplicated maternity cycle or patients in need of health teaching;

(6) acutely ill patients suffering from an illness with a short and relatively severe course; and

(7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

(1) patients having nursing care needs in all stages of illness;

(2) adults, including those over 65 years of age and children receiving medical and surgical therapy;

(3) patients having mental illness; and

(4) mothers and newborn infants in the maternity cycle.

Subp. 5. Graduation from approved practical nursing program. An applicant who has graduated from an approved practical nursing program is eligible for licensure as a licensed practical nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

A. The learning activities involved patients in each of the following categories:

(1) newborn through 11 months;

(2) one year through 12 years;

(3) 18 years through 64 years;

(4) 65 years or older;

(5) healthy patients, such as patients in an uncomplicated maternity cycle;

(6) acutely ill patients suffering from an illness with a short and relatively severe course; and

(7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

(1) children;

(2) mothers of newborn infants;

(3) newborn infants;

(4) adults with common illnesses;

(5) geriatric patients; and

(6) patients with mental and emotional problems.

Subp. 6. Transcripts necessary for applicants educated in foreign countries. An applicant who has graduated from a program in another country shall submit a transcript. The applicant shall also submit a course description if the entries on the transcript are not self-explanatory as to course content. If the transcript and course description are not in English, a translation must be done by an agency or individual specified by the board. The cost of this translation must be paid by the applicant.

Subp. 7. Resolution of educational deficiencies. Any deficit in nursing education as outlined in subpart 4 or 5 must be made up prior to admission to the examination in one of the following ways:

A. The applicant must successfully complete a regular course or a course designed for an applicant that includes classroom instruction, clinical instruction, and evaluation of nursing ability in the area of deficit in an approved nursing program which prepares students for the type of licensure for which the applicant is applying.

B. If the deficit is a clinical instruction and evaluation of nursing ability deficit and not a classroom deficit, an applicant for registered nurse licensure must successfully complete 90 hours of clinical instruction including evaluation of nursing ability in the deficit area, and an applicant for licensed practical nurse licensure must successfully complete 65 hours of clinical instruction including evaluation of nursing ability in the deficit area. The clinical instruction including evaluation must be supervised by a registered nurse.

The applicant must submit evidence of having completed item A or B on an affidavit provided by the board and signed by all individuals responsible for the make-up activities.

Subp. 8. Affidavit of graduation. An applicant shall have an affidavit of graduation completed and signed by an official of the nursing program. The completed affidavit must bear the seal or stamp of the program. An applicant must submit the affidavit prior to the examination unless the applicant will be writing the examination before graduation. An applicant who graduates after writing an examination shall submit the affidavit after graduation but before licensure. An applicant who fails an examination shall submit the affidavit before reexamination.

Subp. 9. Affidavit of enrollment. An applicant who writes the examination before graduation shall have an affidavit of enrollment completed and signed by an official of the nursing program. The completed affidavit must bear the seal or stamp of the program and be submitted prior to the examination.

Subp. 10. Fees. The board shall charge the following fees.

A. The licensure fee is $50 for an applicant for registered nurse licensure and $35 for an applicant for licensed practical nurse licensure. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

B. The examination fee is set by the examination vendor and must be submitted to the agency specified by the board each time an applicant wants to be scheduled to write an examination.

C. The reexamination fee is $25 for an applicant for registered nurse licensure and $10 for an applicant for licensed practical nurse licensure. The fee must be paid to the board.

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D. A late filing fee of $20 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

(1) licensure application and fee;

(2) examination application and fee;

(3) reexamination application and fee.

E. Personal checks are not accepted. Each remittance must be in the form of United States currency, cashier's check, or money order.

F. If for any reason a license is not issued, fees are not refundable.

Subp. 11. Deadline for submitting material. The deadline for submitting all required applications and fees is 56 calendar days preceding an examination. The board shall use the postmark and address to determine compliance. If the required applications and fees are not received on time, the applicant must pay a late filing fee.

All other documents, late applications and fees, and the late filing fee is applicable, must be received no later than 4:30 p.m. the day prior to the examination.

Subp. 12. Written examination. The licensure examinations are the examinations of the National Council of State Boards of Nursing, Inc. The passing score required on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) is a scaled score of 1,600. The passing score required on the National Council Licensure Examination for Practical Nurses (NCLEX-RN) is a scaled score of 350.

A. An applicant shall be scheduled for an examination when the following have been received by the required date or time: applications for licensure and examination; fees for licensure and examination; affidavit of graduation or enrollment; and, when applicable, reexamination application and fee; late filing fee, transcript, course description, translation of transcript and course description, and affidavit that any educational deficit was made up. An applicant may write an examination before graduation if he or she meets all of the following requirements:

(1) The applicant must be enrolled in the final term of study in an approved Minnesota program.

(2) The remaining course work must not include any elective or required nursing courses.

(3) The applicant must not have been on academic probation in the term prior to the final term.

(4) The applicant must not be repeating a course to improve the grade in the course in order to meet graduation requirements.

(5) The applicant must not have written a previous NCLEX examination in Minnesota.

B. The board will notify the applicant by mail of the examination the applicant is scheduled to write. At least ten days prior to an examination the board shall mail an admission document to each applicant accepted to write the examination. Placing the notice and admission document in first class United States mail, postage prepaid and addressed to the applicant's last known address constitutes mailing.

C. For admission to the examination, the applicant must present the admission document, a head and shoulders photograph, and a document bearing the applicant's signature. The photograph must be part of a driver's license, nondriver's state identification card, passport, alien registration card, student identification card, or a photograph affixed with the school seal and signed by the director of the nursing program.

D. An applicant admitted late to any portion of the examination shall not be allowed extra time. An applicant will not be admitted to any portion of the examination after any applicant has finished that portion and left the examination room. An applicant who does not write the first portion of the examination shall not be allowed to write other portions.

E. Official notification of the score received shall be by first class United States mail, postage prepaid.

F. An applicant who has failed an examination may have the examination rescored by: submitting a written request to the board within one month following the release of the results of the examination; and meeting any procedural requirements including fees of the examination vendor.

G. An applicant who fails an examination may apply for reexamination on a reexamination application supplied by the board and must obey all other applicable rules. If an application is received without a fee, it shall be returned to the applicant.

H. An applicant may write the examination for Minnesota licensure specified in subpart 12 in another jurisdiction if the board authorizes the applicant to do so and the jurisdiction is willing to administer the examination. The applicant must meet any procedural requirements and pay any fees set by the other jurisdiction.

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. **Proof of licensure in another jurisdiction or country.** To be licensed to practice nursing in Minnesota without writing an examination, an applicant must submit proof, on a form provided by the board, that he or she is licensed in another jurisdiction, Canadian province, or country and has passed an examination acceptable to the board as listed in subparts 11 and 12. Proof of licensure must be obtained from the jurisdiction, Canadian province, or country in which the applicant was first licensed and in which the applicant was most recently employed.

Subp. 2. **Licensure application.** An applicant shall obtain the application forms and instructions for filing from the board. An applicant shall respond to questions on the application that relate to causes for denial of licensure listed in Minnesota Statutes, section 148.261, for the registered nurse and Minnesota Statutes, section 148.297, for the licensed practical nurse. An applicant shall submit true information. Falsification or omission of any information constitutes unethical conduct and provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant. Application for licensure begins on the date when an application and fee are received by the board.

Subp. 3. **Fee.** The fee for licensure is $40 for registered nurse applicants and $30 for licensed practical nurse applicants. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. **Evidence of good moral character and good mental health.** An applicant shall verify on the application that he or she is of good moral character and in good mental health. The board may require further evidence of an applicant's character or mental health if the board has information satisfying one of the following conditions:

A. implying a violation of a federal, state, or local law or rule;

B. constituting grounds for denial of a license, if true;

C. showing that disciplinary action was taken or is pending or the applicant is under investigation by another nurse licensing agency;

D. showing that the applicant provided inaccurate information or omitted information solicited on the licensure application;

E. showing that the applicant was discharged from employment; or

F. showing that at the time of application the applicant is hospitalized for treatment of mental illness.

Subp. 5. **Graduation from approved nursing program.** An applicant who has graduated from an approved nursing program is eligible for licensure provided that the applicant can present evidence of graduation.

Subp. 6. **Waiver of graduation requirement.** The board shall waive the requirement of graduation from an approved nursing program if:

A. an applicant has been licensed by another jurisdiction or Canadian province based on requirements equivalent to the qualifications required in Minnesota at the time of the applicant's original licensure; or

B. an applicant for licensed practical nurse licensure has been licensed by another jurisdiction and passed NCLEX-PN with a score specified in subpart 12 and has had at least 4,000 clock hours of employment as a licensed practical nurse in the 60 calendar months preceding application for licensure in Minnesota.

Subp. 7. **Current nursing education or experience.** An applicant who has been employed in nursing or who has graduated from an approved nursing program during the two years immediately preceding application for licensure is exempt from the continuing education requirements as specified in subparts 8 and 9. Employment references must be submitted to verify employment dates. An affidavit of graduation or evidence from the nurse licensing agency in another jurisdiction or Canadian province must be submitted to verify the graduation date.

Subp. 8. **Continuing education for registered nurses.** An applicant for registered nurse licensure who has not been employed as a registered nurse during the two years immediately preceding receipt by the board of the application must participate in continuing education activities which meet the criteria specified in part 6310.2800 and must submit an affidavit of continuing education. The continuing education participation must have occurred within the 24 months preceding board action on the application for licensure.

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.

Subp. 9. Continuing education for practical nurses. An applicant for licensed practical nurse licensure who has not been employed in nursing during the two years immediately preceding receipt by the board of the application must participate in one of the following continuing education activities: at least 15 clock hours of a nurse refresher course; at least 15 clock hours of nursing-related continuing education courses; or an orientation program at least 15 clock hours in length conducted by an employer or potential employer. The continuing education must have occurred within the 24 months preceding board action on the application for licensure. The applicant must submit an affidavit of continuing education.

Subp. 10. Affidavit of graduation. An applicant must submit an affidavit of graduation, signed by an official of the nursing program and bearing the seal or stamp of the program. An affidavit is not required if the licensing authority in another jurisdiction or Canadian province verifies graduation from an approved program. If a licensed practical nurse applicant has not graduated from an approved program, the applicant shall send his or her employer a form supplied by the board for documentation of 4,000 clock hours of employment. The form must be completed by the employer and returned to the board. The board shall determine if the employment fulfills the requirement of Minnesota Statutes, section 148.291, subdivision 3.

Subp. 11. Acceptable examinations for registered nurses. The requirement of having passed a written examination acceptable to the board for registered nurse licensure is fulfilled if an applicant has:

A. passed a state-constructed examination or the State Board Test Pool Examination for Registered Nurses (SBTPE-RN) prior to 1957;

B. passed the SBTPE-RN after December 31, 1956, and before July 1, 1982, with a scaled score of at least 350 on each of the five parts; or

C. passed NCLEX-RN after June 30, 1982, with a scaled score of 1,600.

Subp. 12. Acceptable examinations for practical nurses. The requirement of having passed a written examination acceptable to the board for licensed practical nurse licensure is fulfilled if an applicant has:

A. passed a state-constructed examination or the State Board Test Pool Examination for Practical Nurses (SBTPE-PN) prior to 1960;

B. passed the SBTPE-PN after December 31, 1959, and before January 1, 1970, with a scaled score of at least 370;

C. passed the SBTPE-PN after December 31, 1969, and before October 1, 1982, with a scaled score of at least 400; or

D. passed NCLEX-PN after September 30, 1982, with a scaled score of at least 350.

Subp. 13. Insufficient score. An applicant for licensure whose examination score does not meet the Minnesota score requirement specified in subpart 11 or 12 must write the examination currently used in Minnesota, achieve the passing score established for the current examination, and meet requirements specified in part 6315.0400, subparts 2, 10, 11, and 12.

6315.0600 APPLICATION NULLIFICATION.

Subpart 1. Licensure by examination. The board will nullify an application for licensure by examination if the applicant:

A. did not write the first or second examination available following submission of a licensure application and fee;

B. did not rewrite the examination within 24 months after the last examination failed;

C. wrote the examination while enrolled in the final term of study but did not complete the course work during the final term; or

D. did not submit the affidavit of graduation within 12 months after the examination.

The board will not nullify an application if it agrees on a different action during a disciplinary proceeding.

Subp. 2. Licensure without examination. The board will nullify an application for licensure without examination if the applicant fails to complete the application process within one year after submission of the application or within one year after notification by the board of a deficiency.

Subp. 3. Destruction of application materials and forfeiture of fees. For a nullified application, the fees shall be forfeited and the application and other documents may be destroyed according to the process specified in Minnesota Statutes, section 138.17, subdivision 7. If the applicant failed to submit the application and fees within one year after the board received any other documents relating to the application, the board may destroy the documents.

Subp. 4. Reapplication. If an individual whose application has been nullified wants to be licensed, a new licensure application must be submitted and all applicable licensure requirements must be met.

6315.0700 ADMINISTERING EXAMINATIONS FOR OTHER JURISDICTIONS.

The board will administer a licensure examination to a candidate applying for licensure in another jurisdiction. The fee for this service is $20. Personal checks are not accepted. The $20 fee, examination application and fee, and written authorization from

the jurisdiction in which the applicant has applied for licensure by examination must be submitted no later than the date required of applicants for Minnesota licensure by examination.

Rules as Proposed

6310.2900 REGISTRATION RENEWAL PROCEDURES.

Subpart 1. to 5. [Unchanged.]

Subp. 6. First registration renewal. An individual who is issued a license by the board shall also be registered by the board. The initial registration period is for less than two years. For registered nurses licensed August 1 through January 31 the registration period ends the next July 31. For those licensed February 1 through July 31 the registration period ends July 31 of the following year. 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.

Subp. 7. to 10. [Unchanged.]

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Initial registration period. A person who is issued a license by the board shall also be registered by the board. The initial registration period is for less than two years. For licensed practical nurses licensed January 1 through June 30 the registration period ends December 31 of the same year. For those licensed July 1 through December 31, the registration period ends December 31 of the next year.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Housing Finance Agency

Adopted Rules Governing Income Limits for Limited-Unit Developments and the Homeownership Assistance Fund

The rules proposed and published at *State Register*, Volume 8, Number 37, pages 2010-2013, March 12, 1984 (8 S.R. 2010) are adopted as proposed.

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

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the Minnesota Board of Nursing
Governing Authorization to Practice,
Requirements for Licensure by Examination,
Requirements for Licensure without Examination,
Nullification of Applications and
Registration Renewal

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, Subd. 1 that their names be placed on file with and maintained by the Minnesota Board of Nursing for the purpose of receiving notice of the proposed adoption of rules by this board is accurate and complete as of 9:00 A.M., this 8th day of June, 1984.

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 Adoption of Rules of the Board of Nursing Governing Authorization to Practice; Requirements for Licensure by Exam; Requirements for Licensure Without Exam; Nullification and Registration Renewal

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Dorothy MrKonich, 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 2nd day of August, 1984, 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 Authorization to Practice; Requirements for Licensure by Exam; Requirements for Licensure Without Exam; Nullification and Registration Renewal, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 148.211, 231, 291 and 294 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 2nd day of August, 1984.

Dorothy Mrkonich, R.N, Ph.D.
President of the Board

Carol A. Barlister
Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE

MINNESOTA BOARD OF NURSING

In the Matter of Proposed Adoption
of Rules of the Minnesota Board of Nursing
Governing Authorization to Practice,
Requirements for Licensure by Examination,
Requirements for Licensure Without Examination,
Nullification of Applications and
Registration Renewal

STATEMENT OF NEED

AND REASONABLENESS

These rules are being promulgated to replace all of the present requirements and procedures for Registered Nurse and Licensed Practical Nurse Licensure for individuals not previously licensed, individuals previously licensed in another U.S. jurisdiction, and individuals previously licensed in a foreign country. The repeal of the current rules are needed to allow for the establishment of consistency in rule format. The new program approval rules have merged the RN and LPN nursing program requirements. The proposed licensure rules have adopted the same format of merging the licensure requirements. When the requirements are different for an RN or an LPN applicant there is a statement in the rules that identifies the requirement specific to the RN or LPN applicant.

Many of the requirements in the current rules are incorporated into the proposed rules since they are basic to implementing the requirements for licensure and establishing the procedures to be followed. Where there has been no significant change in wording, a statement to that effect has been made in this document.

The following facts and explanations are presented to establish the need for and reasonableness of the proposed rules 6315.0100 - 6315.0700, 6310.2900 and the repeal of rules 6310.0200 - 6310.2200 and 6310.5100 - 6310.7200.

6315.0100 Definitions

Subpart 1. Scope.

The definitions are needed to provide a clear common reference for the rules being promulgated. Only those words have been defined which are crucial to understanding these rules or which could have a meaning more commonly used.

Subpart 2. Affidavit of continuing education.

This term is needed to clarify the evidence necessary to demonstrate compliance with the continuing education requirement specified in 6310.2800 subp. 6.

Subpart 3. Affidavit of enrollment.

This term is needed to implement Minn. Stat. § 148.211, subd. 1 (d) and Minn. Stat. § 148.291, subd. 1 (d). In 1975 the Statute was changed to make provision for applicants to write the examination while in their last term. Since that time some applicants have used this provision. However, after every examination it is determined that some of these applicants have not been in their last term. Requiring the affidavit of enrollment will ensure that applicants are not admitted to the licensing examination unless they are in compliance with the requirement in the Statute.

Subpart 4. Affidavit of graduation.

This term is needed to implement Minn. Stat. § 148.211, subd. 1 and Minn. Stat. § 148.291, subd. 1. The term is needed in conjunction with completion and graduation to clarify what constitutes fulfilling the requirements for licensure relative to graduation from an approved program.

Subpart 5. Approved.

The term is needed to implement Minn. Stat. § 148.211, subd. 1 (d) and Minn. Stat. § 148.291, subd. 1 (d). The Minnesota Board of Nursing does not have the authority to conduct school surveys on nursing programs outside of Minnesota. It is not reasonable, however to deny licensure to applicants simply

because they were educated outside of Minnesota. It is reasonable for the Minnesota Board of Nursing to license individuals who have been educated elsewhere if the education they received is comparable to education in approved nursing programs. Curriculums in nursing programs in U.S. jurisdictions are similar. Curriculums in foreign countries may or may not be similar. Provisions for making up deficits are provided for in 6315.0400 subp. 7. It is reasonable to define "approved" as provided, since it is known that U.S. jurisdiction programs have similar curriculums and that there is a provision for make-up of deficits for individuals educated outside the U.S. and Minn. Stat. § 148.211, subd. 2 and Minn. Stat. § 148.291, subd. 3 state that individuals can be licensed if their qualifications are equivalent.

Subpart 6. Board.

The term is needed for brevity.

Subpart 7. Completion.

The term is needed to clarify the meaning of graduation. One of the requirements for licensure is graduation from an approved program. Some programs, because of the policy of the controlling institution have graduation once per year. Some individuals complete all of the requirements for graduation as much as four months before the yearly graduation date specified by the institution. To withhold the permit or license for the formality of a graduation does not seem fair. Also, some programs do not award a second degree. The individual who already has a degree and completes the requirements for a major in nursing does not graduate and is not awarded a degree.

Subpart 8. Enrolled in.

This phrase is needed to implement Minn. Stat. § 148.211, subd. 1 (d) and Minn. Stat. § 148.291, subd. 1 (d) and to clarify the board's interpretation of "enrolled in." In 1974 the Board of Nursing pursued the feasibility of administering the examination to candidates prior to graduation during the last

quarter of the nursing program. A change in statute occurred in 1975 that introduced the phrase "enrolled in." The applicant could take the examination prior to graduation if the applicant was in the last academic period of the nursing program. The rationale for the change was to allow flexibility since uniform testing dates were implemented nationally in 1975 and school calendars did not always correlate with the established testing dates. Confusion has arisen since "enrolled in" has been perceived by some individuals as meaning registered to take the course. This confusion is supported by the dictionary definition: to register.

Subpart 9. Examination application.

This term is needed to make the distinction between the application submitted by the applicant in order to be scheduled for the examination and the application submitted to apply for licensure.

Subpart 10. Final term of study.

In conjunction with "enrolled in," "final term of study" identifies precisely the time period that is meant in Minn. Stat. § 148.211, subd. 1 and Minn. Stat. 148.291, subd 1. The words quarter, term, session, or semester are used to elaborate on academic period because these are the various terms used by Minnesota programs.

Subpart 11. Jurisdiction.

This term is needed for brevity so that within the rules when reference is made to a U.S. state or territory one word can be used.

Subpart 12. Graduation.

In conjunction with "completion," this definition copes with the variances in program policies relative to awarding additional degrees. This meaning also deals with the situation created by those institutions that only grant degrees once per year or at a time weeks or months after all requirements of the program

have been met.

Subpart 13. License.

This term is needed to make the distinction between the actual document evincing licensure and other documents issued by the board that authorize practice. It is consistent with the definition in the renewal of registration rules.

Subpart 14. Licensure application.

This term is needed to make the distinction between the application submitted to apply for licensure and the application submitted in order to be scheduled to write the licensing examination.

Subpart 15. Mental health.

This term is needed to implement Minn. Stat. § 148.211, subd. 1 and Minn. Stat. § 148.291, subd. 1. The definition of "mental health" as offered in this rule comes from Webster's New Collegiate Dictionary. Further World Book defines mental health as "the state of being well mentally, characterized by soundness of thought and outlook, adaptability to one's environment, and balanced behavior."

Subpart 16. Moral character.

This term is needed to implement Minn. Stat. § 148.211, subd. 1 and Minn. Stat. § 148.291. Webster's New Collegiate Dictionary defines moral as "of or relating to principles of right and wrong in behavior." Character is defined as "one of the attributes or features that make up and distinguish the individual." The World Book Dictionary, 1982 edition defines moral as "good in character or conduct, capable of understanding right and wrong, having to do with character or with the difference between right and wrong."

Subpart 17. Nursing ability.

The term is needed to implement Minn. Stat. § 148.211, subd. 1, Minn. Stat. § 148.271 (3)(a), Minn. Stat. § 148.291, subd. 1 and Minn. Stat. § 148.295 (2)

and (3). It is consistent with the definition in the program approval rules. It helps clarify for the permit holder the parameters of practice authorized by the permit.

Subpart 18. Permit.

This term is needed to implement Minn. Stat. § 148.271 (3)(6)(a) and Minn. Stat. § 148.295 (2)(3)(4). This term makes the distinction between the permit and other documents issued by the board that authorize practice.

Subpart 19. Practical program.

This term is needed for reference and is consistent with the program approval rules.

Subpart 20. Professional program.

This term is needed for reference and is consistent with the program approval rules.

Subpart 21. Program

This term is needed for reference. It is similar to the definition in the program approval rules. The concept of controlling body used in the program approval rules has been omitted because that terminology is specific to Minnesota. The program approval rules are applicable only to programs in Minnesota. The licensure rules have a broader application in the sense that applicants educated in other jurisdictions and countries apply for licensure in Minnesota.

6315.0200 Purpose and authority

This rule is needed to inform readers and those regulated, of the statutory authority for these rules. Sections 148.211 and 148.271 pertain to licensure as a registered nurse and to authorization to practice professional nursing prior to licensure. Sections 148.291 and 148.295 pertain to licensure as a licensed practical nurse and to authorization to practice practical nursing prior to

licensure. Minn. Stat. § 148.191, Subd. 2 mandates that the board:

> "... shall examine, license ... duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall by rule adopt, evaluate, and periodically revise, as necessary, requirements for licensure ..."

These rules have been designed to carry out the board's responsibility to protect the public by assuring that only those individuals qualified will be admitted to the licensing examination, that only those individuals qualified will be issued permits and that only those applicants who meet the requirements for licensure will be licensed.

6315.0300 Authorization to practice nursing

Subpart 1. Authorization required.

This rule is necessary to implement Minn. Stat. § 148.271 (3)(6)(9) and Minn. Stat. § 148.295 (2)(3)(4) and Minn. Stat. § 148.281, subd. 1 (3) and Minn. Stat. § 148.293, subd. 1 (3). This rule clarifies when authorization to practice is necessary. It clarifies the exceptions.

Subpart 2. License.

This rule is necessary to implement Minn. Stat. § 148.211 and Minn. Stat. 148.291. It clarifies what constitutes a license.

Subpart 3. Duplicate original license.

This rule statement is exactly the same as in the rules that are being repealed. There is a provision made in the renewal rules for the issuance of a replacement license.

Subpart 4. Eligibility for permit to practice with direct supervision.

This rule is necessary to implement Minn. Stat. § 148.271 (3) and Minn. Stat. § 148.,295 (2). This rule clarifies requirements and the procedure for obtaining the permit.

A. An individual licensed by examination in another jurisdiction is eligible for a permit to practice without direct supervision.

B. It is reasonable to require that the applicant apply for a permit since a number of applicants will not be practicing nursing in Minnesota and therefore do not need the permit.

C. It is reasonable to require the applications, fees and affidavit of graduation since the Statute states that the permit can be issued for the period between graduation and the date of board action upon his or her application for licensure. Further, the Board is authorized to issue permits to graduates of nursing schools provided they are taking the first examination given by the board following graduation. The affidavit of graduation is a form that can be submitted without delay after graduation and verifies that the individual has graduated as well as when the individual graduated.

D. This statement is necessary for completeness of this rule. In all instances of application nullifications, the applicant would not be eligible for a permit because of one or more of the requirements listed in this rule.

E. Revocation indicates that the Board has taken action upon the application for licensure. The statute states that the applicant can be authorized to practice by permit between the date of graduation and the date of notification of board action upon the application. For completeness of this rule it is reasonable to include this statement.

F. The statute states that the permit is not renewabale. For completeness of this rule it is reasonable to reiterate the fact that when the permit expires it cannot be renewed.

G. and H. The statute authorizes the issuance of the permit from the date of graduation provided the applicant takes the first examination after graduation. However, since the statute also provides that an applicant can

write the examination before graduation, it is reasonable to issue the permit when all eligibility requirement are met. It is reasonable to issue a permit to an applicant who wrote the examination in another jurisdiction since the examination is exactly the same and is administered on the same dates. Further, all other eligibility requirements must be met.

Subpart 5. Required supervision.

This rule is necessary to implement Minn. Stat. § 148.271 (3) and Minn. Stat. § 148.295 (2). The Statute requires direct supervision of the permit holder's practice. The frequently asked question by applicants and by employers is what constitutes direct supervision. Supervision is defined in the World Book Dictionary as the act of overseeing, management, direction. Webster's New Collegiate Dictionary defines supervision as critical watching and directing as of activities. These concepts are incorporated into the rule. Since individuals who are practicing nursing are responsible for their practice and permit holders must practice under the direct supervision of a registered nurse, it is reasonable that the permit holder should know who that registered nurse is. The definitions of supervision include the concepts of critical watching and directing. This cannot be done if the supervisor is involved in other activities and is not free to observe and direct. Critical watching, directing and evaluation cannot be done from afar. Therefore is is reasonable to require that the registered nurse be in the facility or on the unit.

It is impossible to write a rule that would cover each patient care setting since there is such a wide range and variety of health care settings. The range of settings vary from minimal nursing care to maximum nursing care. The former may be represented by a board and care facility, the latter by a coronary care unit. For that reason the rule is establishing guidelines based on the individual's ability to cope with the level of care needed by the patient. Therefore, the rule is proposing that if the permit holder has demonstrated that

he/she possesses the necessary skills and the patients require simple and routine care then the supervisor can be in the facility. This provision should cover such settings as day care, pr board and care homes and nursing homes. On the other hand, if the patients are not stable or have severe conditions then the supervisor should be on the unit with the permit holder. The rule is setting minimum standards.

The concepts related to nursing abilities are consistent with the program approval rules. In the section in the program approval rules that addresses learning activities in the clinical setting reference is made to acutely ill patients suffering illness with a severe course. Further the rules reference evaluating the students dealing with a patient with a severe or urgent condition.

It is reasonable to prohibit the permit holder from supervising other personnel since supervision of the permit holder will require careful supervision which may take considerable time. The intent of the permit is to allow the permit holders to function as much like a registered nurse or practical nurse as possible yet make provision for the individual to receive the help needed to adapt in the new role.

Part of the practice of professional nursing according to the definition in the Statutes is supervising nursing personnel. There are many other aspects to practice. It is reasonable to have the permit holder concentrate on the other aspects of their practice during this transition period. When a permit holder has successfully completed the licensure examination there is a persumption that person can practice safely and effectively. Until this is known it is inappropriate for a permit holder supervise other nursing personnel's practice.

Other states such as North Dakota have similar guidelines for permit holders. In North Dakota employment must be under on-unit supervision which is

defined as physically present on the unit where the permit holder is employed. Permit holders are not to be assigned to function in clinical leadership roles where on-unit registered nurse supervision is not available. Permit holders are not to be employed in administrative positions that require licensed personnel according to the standards of the external regulating agency.

Subpart 6. Permit without direct supervision.

This rule is needed to implement Minn. Stat. § 148.271 (6)(9) and Minn. Stat. 148.265 (3)(4).

A. It is reasonable to require that the application and fee be received since the law speaks in terms of qualified for licensure in Minnesota and for the period between submission of proper application. In order to determine if the applicant is so qualified, the Board must be able to review the application data, and such review is paid for by the fee.

B. The Statute specifies that the permit can be issued to a person licensed in another jurisdiction. The rule qualifies this statement by indicating that the licensure in another United States jurisdiciton was based on an examination acceptable to the board. This is a reasonable qualifier since Minn. Stat. § 148.211 and Minn. Stat. 148.291 require applicants to pass a written examination in the subjects the board may determine. The examinations that the board recognizes are detailed in 6315.0400, subp. 12. According to the Statute the permit is issuable to persons licensed in another jurisdiction and qualified for licensure in Minnesota. The applicant who took an examination other than those mentioned in 6315.0400, subp. 12 are not qualified for licensure. Also those who are licensed by another jurisdiction but were not required to pass an examination are not qualified for licensure in Minnesota.

C. This requirement is in the registered nurse rules that are being proposed for repeal. There were no permit statements in the licensed practical nurse rules since Minn.STat. § 148.295 (3) and (4) are recent, 1981.

It is reasonable to expect current authorization in another jurisdiction so that individuals who are under disciplinary action in another jurisdiction or those who have not held active registration and perhaps are not competent to practice will not receive authorization to practice in Minnesota.

The present rules do not specify the evidence that will be accepted. Examples of acceptable evidence are provided for information and clarity. These are documents that are known to be available. The rule is not limiting so that if other evidence cna be presented it would be accepted.

Subpart 7. Length of permit.

This rule is necessary to implement Minn. Stat. § 148.271 (3) and Minn. Stat. § 148.295 (2). The statute provides that the permit is in effect until the individual is notified of the results of the examination and board action on the application for licensure. It is reasonable to assign an expiration date since without an expiration date there would be no control over how long the permit could be used. The examination results and notices of board action have always been released before eight weeks hae elapsed. In fact, in the last year results and action notices have been sent out as early as 30 days following the examination. It is reasonable to state that the permit expires earlier than the expiration date assigned if the applicant is notified by the board of failure on the examination. To do otherwise would be to allow a person who has not demonstrated a minimal level of knowledge to practice and would be contrary to the Board's duty to assure that only those with a certain level of knowledge be allowed to practice. The statute is clear in stating that the permit is effective until the date that the board shall notify the graduate of the results of their applications. The statute further states that the permit is not renewable.

This rule is needed to implement Minn. Stat. § 148.271 (6) and Minn. Stat.

§ 148.295 (3). The statute provides that the permit shall be issued for the period between submission of a proper application and the date of action upon the application. It is reasonable to put an expiration date on the permit so that the permits are not open-ended. Six months is a reasonable amount of time since most licenses are issued within three months after receipt of the application for licensure. Contingencies are provided for since some jurisdictions can take more than six months to verify licensure information to Minnesota. It does not seem reasonable to penalize individuals for a situation outside their control. On the other hand it does not seem reasonable to issue permits for more than six months since most applicants are licensed long before that.

Subpart 8. Revocation of permit.

This rule is necessary to implement Minn. Stat. § 148.271 (3)(6) and Minn. Stat. § 148.295 (2)(4). Revoke means to take back, cancel or withdraw.

A. This portion of the rule clarifies the circumstances in which the permit would no longer be in effect.

(1) It is necessary to recall the permit if the individual does not write the scheduled examination since the statute makes issuance of the permit contingent upon the individual writing the first examination given by the board following graduation. To withhold the permit until applicants have written the examination would be a hardship, since some individuals graduate as much as six months prior to an examination administration. The examinations are only administered twice per year for registered nurse applicants and twice per year for licensed practical nurse applicants. Very few permit holders miss the examination for which they are scheduled. This rule does point out clearly one of the ramifications for missing the examination.

(2) and (3) The statute provides that the permit is in effect until the individual is notified of board action upon his/her application for

licensure as well as notification of examination results. These statements are reiterated for completeness of this rule.

Stating that the permit cannot be extended even if the applicant has passed the examination is reasonable because the applicant could be involved in a disciplinary action that could take months to resolve.

(4) (5) and (6) It is reasonable for the board to revoke the permit if it is determined that the individual does not meet the qualifications for licensure. Rquirements for licensure include passing an examination acceptable to the board as well as with a score acceptable to the board.

B. This portion of the rule is necessary since there are circumstances that are not clear cut. The permit is issued contingent upon the fact that the individual was graduated from an approved program. Unless there is non-debatable evidence that the individual has not graduated it is not reasonable to state that the permit must be revoked.

Since investigation and judgment are required in determining fraud and conduct that constitutes grounds for denial of a license it is reasonable to state in the rule that the permit may be revoked rather than must be revoked.

Subpart 9. Designated titles.

This rule is necessary to clarify what title a permit holder may use. Minn. Stat. § 148.281, subd. 1 (4) and Minn. Stat. § 148.293, subd. 1 (2), restrict the use of registered nurse and licensed practical nurse respectively to those licensed and currently registered in Minnesota to practice. It is reasonable to authorize the use of a title since in the work setting it is necessary for individuals to make written records and to designate their job classification. A title clarifies to the public who is providing care. The title recommended makes the distinction between licensed personnel and unlicensed personnel. By providing a title authorized by the board for use by

individuals holding a permit, it conveys the licensure status of the, and, implicitly, the extent to which that person is authorized to practice.

6315.0400 Requirements for licensure by examination

Subpart 1. Licensure application.

This rule is needed to implement Minn. Stat. § 148.211, subd. 1 and Minn. Stat. § 148.291, subd. 1. The law requires verification by oath of facts such as graduation from an approved school. The board does have the authority to deny licensure to an applicant. The grounds for denial include employing fraud or deceit in attempting to procure a license. Therefore it is reasonable to require that the application be notarized. The board has the responsibility to decide whether or not an applicant meets the requirements for licensure. The board also has the authority to deny licensure to an individual for the reasons listed in the law. In order for the board to carry out its responsibilities information is necessary. Minn. Stat. § 148.211, subd, 1 and Minn. Stat. § 148.291, subd 1 are phrased so that the applicant has the responsibility for providing the information necessary to demonstrate that he or she meets the requirements for licensure. Therefore it is appropriate for applicants to indicate whether or not they have engaged in activities that come within the board's jurisdiction because the activities constitute grounds for denial.

Subpart 2. Examination application.

This rule is needed to implement Minn. Stat. § 1481.211, subd. 1 and Minn. Stat. § 148.291, subd. 1. The licensure examination used by the board is also used by all but one board of nursing in the United States. The examination that is used meets the requirements of Minn. Stat. § 214.03 in as much as it is a national standardized test. It is reasonable to expect candidates to follow the procedures specified by the agency that provides the examination.

Subpart 3. Evidence of good moral character and good mental health.

This rule is needed to implement Minn. Stat. § 148.211, subd. 1 and Minn.

Stat. § 148.291,. subd. 1. This rule clarifies what written evidence verified by oath is acceptable as evidence of good moral character and good mental health.

It is reasonable to expect the applicants to attest to their good moral character and good mental health since they have the most intimate and comprehensive information about themselves. Applicants are responsibile for proving that they meet the requirement of good moral character and good mental health. If an applicant has employed fraud or deceit in procuring or attempting to procure a license the board is authorized to take disciplinary action. There is no assurance that a statement from anyone else about an applicant's good moral character and good mental health will be accurate or useful. Statements from individuals such as physicians, pastors, etc. are not necessarily meaningful unless the individual is well known by such persons. It is unlikely that the applicant will ask for a statement from someone who would provide negative statements. Most individuals would be able to find someone willing to make a positive statement about the applicant's good moral character and mental health.

The board has the responsibility for determining if the applicant meets the requirement of good moral character and good mental health. It is assumed that a person is of good moral character and good mental health unless proven otherwise. Thus, this rule proposes that the board accept at face value a paper certification from the individual that he/she is of good moral character and good mental health. However, it is reasonable to indicate that if there is information that creates a doubt about the applicant's good moral character and/or good mental health the board does have the authority to require more than the paper certification regarding good moral character and good mental health.

The board has authority via Minn. Stat. § 148.261 and Minn. Stat. § 148.297

to deny licensure to an applicant for such reasons as proof that the person employed fraud or deceit in procuring or attempting to procure a licensure or has been convicted of a felony or gross misdemeanor. Items 1, 2, 3, 5 and 7 in this rule relate to the causes for licensure denial. Item 8 relates directly to the individuals mental health. This rule is restricted to those individuals in the hospital for treatment of mental illness. It is reasonable to restrict it to those individuals who are hospitalized since hospitalization is required by individuals who no longer can cope. Discharge or referral to outpatient treatment is indicative of the individual's ability to again cope.

Subpart 4. Graduation from an approved professional nursing program.

This rule is needed to implement Minn. Stat. § 148.211. According to the law, in order for the board to issue a license the applicant must have the qualifications required in Minnesota. Therefore, it is reasonable to specify the learning experiences required in terms of the requirements outlined in the program approval rules. Prior to July 1, 1985, Minnesota professional nursing programs are required to provide learning activities in clinical settings with patients in the following categories: patients having major nursing care needs in all age groups and stages of illness, with adults and children receiving medical and surgical therapy, with those having mental illness, and with mothers and infants in the maternity cycle. Beginning on July 1, 1985, the program approval rules provide Minnesota nursing programs with two options for learning activities in clinical settings. Both otpions are reflected in the licensure rules for graduates of programs July 1, 1985 and thereafter.

Although the curriculum rules are more comprehensive the learning activites that include the clinical setting are the most tangible. These are the areas that consistently appear on transcripts of individuals educated in a foreign country. To require more details about an individual's nursing education would be comparable to conducting a school survey, the process used to approve nursing

programs in Minnesota. That type of evaluation would require an inordinate amount of time and expertise since very few individuals who apply are educated in the same school or country. Further, some individuals have escaped from their country with transcripts that only specify the theory and clinical practice in the areas of medical, surgical, obstetrics, psychiatric and nursing of children. Further details are not obtainable. The requirement of passing the licensure examination must be met. The purpose of the licensure examination is to measure an applicant's ability to practice safely and effectively. The examination tests the applicant's knowledge, comprehension, application and analysis with respect to nursing practice.

Subpart 5. Graduation for an approved practical nursing program.

This rule is needed to implement Minn. Stat. § 148.297. According to the law, in order for the board to issue a license, the applicant must have the qualifications equivalent to the qualifications required in Minnesota. Therefore it is reasonable to specify the learning activities required in terms of the requirements outlined in the program approval rules. Prior to July 1, 1985, Minnesota practical nursing programs are required to provide learning activites in clinical settings with patients in the categories: children, mothers of newborn infants, newborn infants, adults with common illnesses, geriatric patients and patients with mental and emotional problems. Beginning on July 1, 1985, the program approval rules provide Minnesota nursing programs with two options for learning activities in clinical settings. Both options are reflected in the licensure rules for graduates of programs July 1, 1985 and thereafter. The other arguments provided for subpart 4 are also applicable to subpart 5. It is redundant to repeat these.

Subpart 6. Transcripts necessary for applicants educated in foreign countries.

Individuals educated in programs in Minnesota and in other jurisdictions of

the United States are not being required to submit transcripts. All boards of nursing except the California practical nursing board belong to the National Council of State Boards of Nursing. One of the functions of this organization is the construction of a licensure examination. The purpose of the licensure examination is to make the distinction between those individuals who can practice safely and those individuals who cannot. In order to write the examination individuals must be graduates of programs approved by boards of nursing. The intent of the programs is to prepare individuals for licensure. Although there may be some differences betwen programs throughout the country, the major portions of the curriculum are similar. The purpose of requiring transcripts from individuals educated in a foreign country is in order to evaluate whether or not their nursing education was equivalent. In order to do this the documents must be in English and the courses must be explained enough to determine if the requisite theory and clinical experience was provided. Since the applicant is responsible for presenting evidence that licensure requirements are met, it is reasonable to require that the applicant pay for any translation that is necessary. It is reasonable for the board to specify which agency or individual do the translation so that the translation is done accurately by a reputable agency or individual.

Subpart 7. Resolution of educational deficiencies.

This rule is needed so that there is a mechanism for individuals to use if their educational preparation was not comparable to the educational preparation required in Minnesota programs. It is reasonable to provide this option so that individuals otherwise qualified would not be prohibited from practicing in a field for which they have been educated.

Since the statute requires that the applicant for licensure have qualifications equivalent to the qualifications required in Minnesota, it is reasonable to have one of the options be completion of a regular course in an

approved nursing program or one designed for an applicant. Since many nursing programs have changed to integrated curriculums and a deficit cannot be made up in a regular course, the flexibility in this rule is fair since the same program approval rules that prescribe curriculum must be adhered to. Option two is reasonable since it does not require an individual to repeat the theory content of a course. It is reasonable to require clinical experience with patients in the individual's deficit area since theory as well as experience are an integral part of the curriculum requirements for Minnesota programs.

Ninety hours of clinical instruction for a registered nurse is reasonable. In sampling the curriculums of the most recently surveyed Minnesota approved registered nurse programs, it was identified that the clinical components ranged from 50 to 126 hours. The average between the two extremes is 88 hours which is rounded up to 90 hours. Some programs have a 90 hour clinical component. Also, the mid range hour figure allows for time to refresh the individual's theory knowledge.

Sixty-five hours of clinical instruction for a practical nurse is reasonable. In sampling the curriculum of some Minnesota approved licensed practical nurse preparing programs, it was identified that the clinical components ranged from 48 to 90. The average is 65 hours. In fact, some programs have a 66 hour clinical component.

Requiring the completion of an affidavit that indicates completion of the make up work is comparable to the requirement of the affidavit of graduation that indicates that all requirements have been met.

Subpart 8. Affidavit of graduation.

This rule is needed to implement Minn. Stat. 148.211, subd. 1 and Minn. Stat. 148.291, subd. 1 that states in part "Before being scheduled for examination the applicant shall provide written evidence verified by oath that

he either has completed ... or is enrolled in the final term of study ..." and "... upon submission ... of an affidavit of graduation from an approved nursing program ..." At present, applicants complete an affidavit of graduation and arrange for the release of a a final complete transcript that verifies graduation. In the past eight years, a number of students have presented inaccurate affidavits of graduation for the following reasons: the applicants are unaware that they are credits short, that they do not have an adequate GPA or that they have an incomplete in a course. Further, applicants are confused by going through a graduation ceremony when they still have courses to complete. School policies vary. In some instances, the applicants who have summer session courses to take are awarded their graduation status or degrees at the end of the summer session. In other instances, applicants who complete summer session courses are retroactively assigned a graduation date.

For many students transcripts create problems for the following reasons:

A. The nursing program is in a consortium and the transcript carries only the name of a controlling body. The controlling body is not approved to conduct a program. Therefore the transcript is not proof that the individual graduated from an approved program.

B. The name of the program is given but the name does not correspond to the name by which the program is approved. So, there is no proof of completion of an approved program.

C. The applicant had a degree in another field before entering the nursing program. Although all nursing program requirements are met, the educational institution which is the controlling body will not consider the student for graduation and will not grant a second degree. Therefore, the transcript does not contain recognizable proof of program completion since there will be no date of graduation or statement of degree conferred.

D. The applicants may complete the requirements for graduation weeks or

months prior to graduation since some programs have graduation only once per year.

E. At the larger institutions transcripts can take several months to generate.

The program approval rules require that the school supply a document that verifies program completion to each student who satisfactorily completes the course of study. This was justified on the basis that the goal of programs is to prepare students for licensure. The requirements for licensure include graduation from an approved program, evidence verified by oath of such graduation, and submission of an affidavit of graduation.

It is reasonable for the program to complete the affidavit of graduation since this credential would be in keeping with what is required in the program approval rules. The affidavit of graduation completed by the program would handle all of the problems that students encounter. The goal of the programs is to prepare students for licensure. School officials are the experts in determining when all necessary requirements for graduation are met. The form is simple and will not take the amount of time to complete that a transcript does.

It is reasonable to expect the affidavit of graduation before the examination for those who graduate before the examination since minimal information is required, it is not dependent upon a computer printout, and it will minimize the number of individuals admitted to the examination who do not meet requirements. Presently transcripts are being used to obtain this information and licensure is delayed because of the time involved in the generation of transcripts.

For those individuals who write the examination before graduation the statute requires that an affidavit be submitted before a license is issued. These rules are proposing that the affidavit be submitted prior to admission to

the examination unless the individual is in the last term. For consistency, it is reasonable to expect that the failures from the group (those writing in their last term) submit the affidavit prior to admission to the next examination since failure applicants will graduate prior to re-examination. As mentioned earlier, the information on the affidavit is simple and takes a minimal amount of time to complete.

Subpart 9. Affidavit of enrollment.

This rule is needed to clarify the procedure for implementing the requirement in Minn. Stat. § 148.211, subd. 1 and Minn. Stat. § 148.291, subd. 1 that requires that before being scheduled for examination the applicant must provide written evidence verified by oath that he is " ... or is enrolled in the final term of study ..." It is reasonable to require that the school provide such a statement since the school officials are the experts in determining when graduation requirements will be met. The requirement of completion of the affidavit is to provide minimum essential information. The affidavit of enrollment will aid in minimizing the admission of unqualified individuals to the licensing examination.

Subpart 10. Fees.

This rule is needed to implement Minn. Stat. § 148.211, subd. 1 and Minn. Stat. § 148.291, subd. 1.

A. Licensure. These fee amounts are the same as the fees in the present rules being proposed for deletion. It is reasonable to delay evaluation of the application until after the fee is received since part of the fee is intended to cover the cost of processing the application and evaluating the applicant's eligibility for licensure.

B. Examination. All but one board of nursing in the United States uses the examination provided by this agency as the licensing examination. It is a standardized examination. Since the examination is standardized and used

nationally it complies with Minn. Stat. § 214.03. It is reasonable to expect the applicants to follow the procedures including submission of the fee according to the specifications of the agency that provides the licensing examination.

C. Re-examination. These fee amounts are the same as in the present rules that are being proposed for deletion.

D. Late filing. For the applicants who meet the deadline, the national agency that provides the examination generates by computer all of the working documents needed to administer the examination. It is reasonable to require an additional fee from individuals who do not adhere to the deadline because late applications must be handled by clerical staff at the board office and this work is not done by computer. The board usually processes the applications of 20 to 30 late applicants for each of four examinations administered annually. Further, it is common practice to assess penalty fees when deadlines are not met, for example, for taxes, overdue library books, late registration for school. An alternative is to reject all late applications. This does not seem fair since some late applicants have reasonable excuses for missing the deadline. To accept late applications from individuals with reasonable excuses would require that guidelines for making this decision be included in the rule. It would be difficult to identify all contingencies in rule. The fact remains that processing late applications requires additional work in the board office. The fee is being proposed to discourage late applications but at the same time provide a contingency for those who miss the deadline.

E. Form of remittance. It is reasonable to require payment other than by personal check since the processing of an NSF check is time consuming and an individual could be licensed before an NSF check is identified. Therefore, an individual would be licensed without meeting one of the licensure requirements.

For organizations that accept personal checks there are financial penalties for NSF checks. There is no authorization for the board to impose a financial penalty for NSF checks.

F. Refunds. According to Minn. Stat. § 148.211 and Minn. Stat. § 148.291 fees are not refundable for any reason. It seems reasonable to re-emphasize this since individuals frequently ask if their fees can be refunded.

Subpart 11. Deadline for submitting material.

The deadline is necessary so that there is enough time to prepare for the examination so that it can be administered in an efficient manner that is conducive to a good testing environment. The deadline is reasonable because this is the deadline established by the organization that provides the licensing examination and the documents used at the examination. It is established based on the lead time necessary to generate and deliver the documents used by the board to administer the examination. It is easier for applicants to remember one deadline.

The deadline of 4:30 p.m. the day prior to the examination for materials other than the applications is reasonable since the examination starts at 8:00 a.m. In order for the examination to be administered in a timely and organized fashion, all eligible applicants must be confirmed the day before the examination. The examination is administered at a site at a distance from the board office so that files and documents needed in making an eligibility determination are not available.

Subpart 12. Written examination.

The portion of this rule that addresses passing score is essentially unchanged from the present rules. The scores are unchanged.

A. Eligibility for examination. The rule is needed to clarify what documents must be recieved prior to the examination. Further, the rule clarifies the conditions for admission to the examination before graduation.

(1) The statute requires that the applicant be in the final term and the affidavit of enrollment is proof of being in the final term.

(2) It is reasonable to expect that all nursing courses are completed prior to the examination since the examination is testing nursing knowledge. Since the intent of nursing programs is to prepare individuals for licensure, and since one of the requirements for licensure is demonstration of sufficient nursing knowledge and skill via the examination it is reasonable to expect applicants to have completed their nursing courses. No other board of nursing allows admission to the examination if nursing requirements are not completed. Some states require our licensees to retake the examination when the examination was written before graduation.

(3) and (4) Because the statute specifies that the individual be in his or her last term it is reasonable to assure as much as possible that it is the applicant's last term. Requiring that the applicant not be on academic probation in the term prior to the last term and specifying that the course or courses being taken in the last term are not repeat courses to improve grade are reasonable attempts to assure that the applicant is in the final term.

(5) Some applicants have written the examination when they were in their last term, however they did not complete the course or they failed the course. The provision in this rule eliminates the possibility of such an individual again applying to take the examination while in his or her last term. Failure to complete the course work of the final term after writing the examination the first time raises doubts about the individual completing the course work on a second attempt.

B. Notification of scheduled examination. This rule is needed to clarify to candidates that they will receive confirmation of being scheduled. Confirmations are common practice in many situations. First class United States

mail is reasonable because it is economical and reliable. Using the last known address is appropriate.

C. Admission to the examination. It is reasonable to require an admission document and form of identification to assure that only qualified candidates are admitted to the examination. The variety of identifications that will be accepted is flexible enough so no one should be disadvantaged by the requirement. Many states use photos for identification. At least one state uses fingerprints. In order to contract for the use of the examination, Minnesota is required to identify candidates by photo, fingerprinting or signature. The purpose of this requirement is to maintain the security of examination. Fingerprinting is time consuming, and, to be done accurately, requires expertise. Positive identification is more easily done by photo comparison with the individual than by comparing signatures. To be done with accuracy, comparison of signatures requires an expert.

D. Late admission to the examination. This rule is needed to clarify procedures regarding the examination. The board uses the examination provided by the National Council of State Boards of Nursing, Inc. (hereinafter "NCSBN"). The NCSBN specifies certain conditions for the use of the examination for security reasons and for uniformity of administration. The statements about extra time and the cut off for admission once a portion of the examination has started are such conditions. It is reasonable to deny admission of an applicant to other portions of the examination if the first portion is missed since it is impossible for a licensed practical nurse applicant to pass the examination when only one half of the examination has been written. For consistency in approach the same rule is recommended for registered nurse applicants. Also it is difficult for a registered nurse applicant to pass when one portion has been missed.

E. Results of examination. This rule is needed to inform individuals of

the results of the examination.

F. Rescoring. This rule is needed to alert individuals to the fact that this procedure is available.

G. Reexamination. This rule is necessary to implement Minn. Stat. § 148.211, subd. 1 and Minn. Stat. § 148.291, subd. 1 and to clarify the procedure fo reexamination. The applications, application process, submission of fees, deadlines, and late application procedure are exactly the same as for the original application. The reexamination fee is the same as the requirement in the present rules being proposed for deletion.

H. Examinations written outside Minnesota. This rule is consistent with procedures of the NCSBN, the organization that controls the examination. This rule is proposed to alert all candidates to the availability of this procedure. Taking the examination in a state other than the state of application for licensure allows applicants to move unexpectedly for economic as well as other reasons. Applicants do not have to forfeit the moneys paid for licensure. They do not have to go through another application process.

6315.0500 Requirements for licensure without examination.

Subpart 1. Evidence of licensure in another state, territory, or foreign country.

This rule is necessary to implement Minn. Stat. § 148.211, subd. 2 and Minn. Stat. § 148.291, subd. 3. The board does not have the expertise or the resources to evaluate every examination used by every country for the purpose of licensure. Therefore, it is reasonable to expect that all applicants for licensure demonstrate their nursing knowledge by means of an examination approved by the board. All boards of nursing in the United States except the California Board of Licensed Practical Nursing use the same examination. Since individuals can only be licensed by endorsement if they passed an examination

acceptable to the board, it is reasonable to require evidence of licensure from those agencies that licensed an individual on the bases of an examination accpetable to the board. The statute requires that an applicant's qualifications be equivalent to qualifications required for licensure in Minnesota.

Since applicants are responsible for providing evidence that they meet licensure requirements, it is reasonable to expect the applicant to arrange for submission of evidence to demonstrate that he/she meets the requirements for licensure. It is reasonable to require information form the original licensing agency since that agency is the source for examination information. Requiring information from the state, territory or foreign country in which the applicant was most recently employeed is reasonable since any negative comments about the individual's ability to practice safely and competently would most likely be received by these agencies. The present rules require verification from the original state of licensure and the state in which the individual has been most recently employed.

Subpart 2. Licensure application.

This rule is necessary to implement Minn. Stat. § 148.211, subd. 2 and Minn. Stat. § 148.291, subd. 3. It clarifies how an individual becomes an applicant. It is reasonable to expect true information from the applicant and to alert the applicant to that expectation since Minn. Stat. § 148.261 (1) and Minn. Stat. § 148.297 (1) gives the board authority to deny licensure to an individual who has employed fraud or deceit in procuring or attempting to procure a license. It is reasonable to require that the application be notarized since Minn. Stat. § 148.211 and Minn. Stat. § 148.291 requires the applicant for licensure by examination to provide written evidence verified by oath and the applicants for licensure without examination are required to have qualifications equivalent to the former. The board has the responsibility to

decide whether or not an applicant meets the requirements for licensure. The board also has the authority to deny licensure to an individual for the reasons listed in the law. In order for the board to carry out its responsibilities certain information is necessary. Minn. Stat. § 148.211, subd, 1 and Minn. Stat. § 148.291, subd 1 are phrased in such a way that the applicant has the responsibility for providing the information necessary to demonstrate that he or she meets the requirements for licensure. Therefore it is appropriate for applicants to indicate whether or not they have engaged in activities which constitute grounds for denial of licensure.

Subpart 3. Fee.

These fee amounts are the same as the fees in the present rules. It is reasonable to require payment other than by personal check. The processing of NSF checks is time consuming, and an individual who has given the board an NSF check would technically be licensed without having met one of the licensure requirements. Some organizations that accept personal checks impose financial penalties for NSF checks. There is no authorization, however, for the board to impose financial penalties. It is reasonable to expect the fee prior to evaluation of the application since the fee is intended to cover the cost of this aspect of the board's activity. According to Minn. Stat. § 148.211 and Minn. Stat. § 148.291 fees are not refundable for any reason. Since individual frequently ask if their fees can be refunded it seems appropriate to reiterate this in the rules.

Subpart 4. Evidence of good moral character and good mental health.

According to Minn. Stat. § 148.211, subd. 2 and Minn. Stat. § 148.291, subd. 3, an applicant for licensure without examination must have the qualifications equivalent to the qualifications required in Minnesota for applicants for licensure by examination. For that reason the same arguments are

proposed here as were described earlier in this statement for licensure by examiantion.

Subpart 5. Graduation from an approved nursing program.

This rule is needed to implement Minn. Stat. § 148.211, subd. 2 and Minn. Stat. § 148.291, subd. 3. It is reasonable to accept graduation from the programs as specified in this rule for the following reasons:

A. All board of nursing in the United States except the California Board of Licensed Practical Nursing use the same licensing examination as Minnesota.

B. For a number of years some Canadian provinces have used the same examination as Minnesota.

C. The purpose of the licensing examination is to measure an applicant's ability to practice safely and effectively.

D. The purpose of nursing programs is to prepare individuals for licensure.

E. Individuals who were licensed based on an examination other than the one acceptable to Minnesota have to apply for licensure by examination.

If licensure has occurred in another jurisdiction or in a Canadian province based on an examination acceptable to the Minnesota Board of Nursing it is reasonable to assume that their education was equivalent to that required in Minnesota.

Subpart 6. Waiver of graduation requirement.

A. This rule is essentially the same as in the rules proposed for deletion. There was a time in Minnesota when requirements for licensure did not include graduation from an approved program. If an applicant was licensed in another jurisdiction without graduating from an approved program during the time that graduation was not a requirement for licensure in Minnesota, the applicant should qualify for licensure for the following reasons:

(1) At the time of original licensure the individual would have

qualified for licensure in Minnesota.

(2) Minnesota licensees have not had their licenses revoked and they are allowed to renew their registration even though changes in the requirements for licensure have occurred.

(3) The purpose of the law is to assure the public that the person who is issued a license is a safe practitioner and meets certain minimum qualifications. Most individuals who apply for licensure without examination have been practicing in other jurisdictions and there are no reports about unsafe practice.

(4) Unless there is evidence of unsafe practice it does not appear reasonable to apply a requirement that was not in effect at the time of the individual's original licensure.

B. This rule is necessary to implement Minn. Stat. § 148.291, subd. 3. For specificity the examination that is acceptable to the board is referenced. Further, the acceptable passing score is referenced. For the licensure examination for licensed practical nurses, passing scores have varied from state to state. Noting the passing score alerts applicants to the score necessary to fulfill licensure requirements.

Stating 4000 hours of employment is necessary to clarify the phrase, 24 months, used in the statutes. Without this definitive statement, inconsistencies could occur. For example, one applicant could have worked part time for a total of 24 months., another could have worked full time for a total of 24 months, another could have been "on call" working one day a month every month for 24 months. Without the qualifer, 4000 hours, each would be eligible for licensure but have a different work experience. The number of hours was determined as follows: 104 weeks in two years minus 2 weeks vacation, 102 weeks x 40 hours = 4080 rounded down to 4000. The number of hours are easily

calculated since employers usually pay individuals by the hour.

Subpart 7. This provision exists in the present rules that are being proposed for deletion. It is reasonable to propose that current employment exempts the individual from continuing education since employment in a nursing capacity may be assumed to indicate that the nurse has been able to demonstrate to an employer that he/she possesses at least a minimum level of competence. Continuing education evidence is required every two years and must be current (within the last two years). If an individual's original edcuation occurred within the past two years it is consistent with the continuing education requirement to require no further continuing education for that time period. In order for the board to determine whether or not continuing education is required confirmation of employment dates or education dates are necessary. Other jurisdictions can confirm graduation and the date of graduation. Since jurisdictions do not have information about employment, the employer is designated as the agency to confirm this information.

Subpart 8. Continuing education for registered nurses.

This rule is essentially unchanged from the present rules that are being proposed for deletion.

Subpart 9. Continuing education for practical nurses.

At present there is a rule that requires evidence of competency in nursing for applicants for licensed practical nurse licensure. The wording of this rule is changed to make the language more consistent with the rule language for registered nurse applicants. The proposed rule states that continuing education is required after two years of non-employment as a nurse. Five years is the time limit in the present rule. This change is proposed so that the time frame requirements are the same for registered nurses and licensed practical nurses. The apprenticeship option available in the present rules has been deleted since in the five years this rule has been in effect no apprenticeships have been

identified or been made available.

For clarification, 15 clock hours of a refresher course are specified. There is a renewal of registration rule that requires completion of no less than one week of a refresher course. The refresher course option is consistent with the renewal rules. However, refresher courses are organized in different ways. Some meet twice per week and others meet five days a week. The number of hours per day that the course is conducted varies. Fifteen hours is precise and addresses the variances in the hour structures of refresher courses. Further, refresher courses have a clinical component. Some individuals who are required to take the refresher course have not been able to obtain a permit because they do not have a current license in another jurisdiction. In order to participate in the clinical component of these courses individuals must be licensed, since individuals cannot practice nursing unless thay have a permit or are duly licensed and currently registered to practice. Therefore, completion of the entire course cannot be required prior to licensure for the following reasons:

A. The clinical component cannot be completed without a Minnesota license or permit,

B. A license cannot be issued until the continuing education requirement is met,

C. Completion of the entire course would create a catch 22 situation.

The rules for registering nurses provide an option of no less than 15 clock hours of nursing-related educational offerings. This option is consistent with the renewal rules. Fifteen is a reasonable number since fifteen clock hours are presently required for licensed practical nurses requesting renewal of registraion after not renewing registration for five or more years.

The rules for registering nurses provide for an option of participation in

an orientation program of at least one week. This option is consistent with the renewal rules. However, for clarification, specificity and consistency with the other types of continuing educatiton activities, 15 hours of orientation are being proposed. Some orientations are set up to span more than one week but less than five days per week. The 15 hour requirement lends itself to this kind of scheduling and allows for flexibility.

This rule is necessary to specify what information will be required in presenting evidence fo continuing education. It is reasonable since it is consistent with the information required when renewing registration after deletion from the registration roster for five or more years.

Subpart 10. Affidavit of graduation.

This rule is needed to implement Minn. Stat. § 148.211, subd. 2 and Minn. Stat. § 148.291, subd. 3. It clarifies the procedure for verifying that the applicant's qualifications are equivalent to the qualifications stated in subd. 1. It is reasonable to accept verification information from the state that originally licensed the individual by examination since this information is available from other jurisdictions and it is an established procedure between states. Schools close so that this information cannot be always obtained from the schools. Also, it is reasonable to make provisions for an alternate procedure when this information cannot be provided by another nursing licensing agency. Since the statute provides licensed practical nurse licensure for nongraduates it is necessary to clarify the evidence that will be accepted for the 24 months of experience. It is reasonable to expect the applicant to obtain this information since the aplicant is responsible for demonstrating that licensure requirements are met.

Subpart 11. Acceptable examinations for registered nurses.

This rule is needed to implement Minn. Stat. § 148.211. It is reasonable to put the passing scores in the rules so that applicants are alerted to the

required score for licensure.

For the applicant for registered nurse licensure, all boards of nursing were using the State Board Test Pool Examination by 1957. Up until 1957 the passing scores in each of the subject areas ranged from 346 to 410. Each subject area did not have the same passing score. From January, 1957 to June 30, 1982 the passing score established by the board was 350 on each of the five parts. Therefore, requiring a 350 on each of the five parts is in keeping with the requirement that the applicant have qualifications equivalent to the qualifications required in Minnesota. Further, from 1957 and thereafter all boards of nursing established a minimum passing score of at least 350. From July 1, 1982 and thereafter the passing score established by the board has been 1600. This is the same passing score as established by all boards of nursing for the licensure examination.

Subpart 12. Acceptable examination for licensed practical nurses.

This rule is needed to implement Minn. Stat. § 148.291. It is reasonable to put the passing scores in the rules so that applicants are alerted to the required score for licensure.

For applicants for licensed practical nurse licensure, all boards of nursing were using the State Board Test Pool Examination by 1960. From January 1, 1960 to December 1, 1969 the passing score on the State Board Test Pool Examination ranged from 370 to 400. Therefore, for that period the rule is stating that individuals licensed in other jurisdictions must have achieved at least 370 in order to be licensed in Minnesota. From September, 1969 to September, 1982, the passing score was stabilized at 400. Therefore, requiring a 400 on the State Board Test Pool Examination is in keeping with the requirement that the applicant have qualifications equivalent to the qualifications required in Minnesota.

Subpart 13. Insufficient score.

For the licensed practical nurse examination most states have a passing score of 350. Minnesota's score requirement from January, 1970 to September, 1982 has been higher than most other states. Since some applicants will not meet the Minnesota score requirement, provisions are made by this rule for individuals to take the examination and achieve the present passing score. By making this provision, the statutory requirement of having equivalent qualifications is adhered to and yet the individual is afforded the opportunity to achieve licensure by passing the examination in Minnesota.

6315.0600 Application nullification

Subpart 1. Licensure by examination.

A. It is reasonable to nullify an application after a specified time because information on the application may change, requirements for licensure may change, applicants may not communicate that they are no longer interested in pursusing their appilcation for licensure. Inactive files would present a storage problem.

B. Allowing failures to retake the examination after many years may cause inequities in meeting licensure requirements. For example, an individual educated and graduated from an approved program 10 years ago will not have an education comparable to those individuals who are just graduating from an approved nursing program.

C. An applicant admitted to write the examination prior to graduation is allowed to do so provided that the individual was in his/her last term. The applicant was admitted to the examination contingent upon the applicant being in his/her last term. It is reasonable to void the application since the individual did not fulfill the requirement.

D. It is reasonable to determine a time limit for submission of all evidence necessary for licensure action. The affidavit is a simple and easily

completed document. The 12 month period is not a hardship. This rule is proposed to deal with the few people who procrastinate.

The rule provides flexibility so that nullification does not need to occur if the applicant agrees to other action in a disciplinary proceeding.

Subpart 2. Licensure without examination.

It is reasonable to set a time frame for the retention of applications because information becomes outdated, licensure requirements may change, individuals may decide not to pursue licensure in Minnesota and individuals may not notify the board of this decision. The latter causes storage problems. The rule does provide for notification to the applicant of deficiencies and provides a full year for resolution of the problem.

Subpart 3. Destruction of application materials and forfeiture of fees.

This rule clarifies the ramifications for a nullified application. The board is not under obligation to individuals who do not submit applications and therefore are not applicants for licensure. This rule puts individuals on notice that unless an application is filed other documents required for licensure will not be retained for an extended period of time.

Subpart 4. Reapplication.

This rule clarifies that once an application is nullified the individual must institute a new application.

Presently, the Records Management Division of the Department of Administration authorizes the destruction of materials. These rules are presented to alert applicants to the ramifications of a nullified application.

6314.0700 Administering the examination for other jurisdictions.

This rule is consistent with procedures of the NCSBN. It is reasonable to provide this service since there are at least 30 states who will provide this service for Minnesota applicants for licensure by examination. Taking the

examination in a state other than the state of application for licensure allows applicants to move unexpectedly for economic as well as other reasons without having to forfeit the moneys paid for licensure. It is reasonable to assess a fee for this service since expenses are incurred by the board such as clerical services, professional correspondence with another board, space rental, and all other activities and materials used during the examination. Other states charge from $10.00 to $115.00 for this service.

6310.2900, Subpart 6 Registration Renewal Procedures. and 6310.7600, Subpart 5 Renewal of Registration.

These rule additions are needed to clarify the first registration period following licensure. These concepts are implied in the present rules.

IMMANUEL - ST. JOSEPH'S HOSPITAL

MANKATO, MINNESOTA 56001

May 17, 1979

IMMANUEL HOSPITAL UNIT
4th & Washington Streets

ST. JOSEPH'S HOSPITAL UNIT
325 Garden Boulevard



Ms. Sandra McKenzie
Minn. State Board of Nursing
717 Delaware St. S.E.
Minneapolis, Mn. 55414

Dear Sandra:

Whenever the State Board of Nursing reviews their present rules governing hiring new graduates before test pool results and licensing is possible, I would ask that my concerns be taken into consideration.

First, I, as an employer, am asked to place trust in these individuals and permit them to function as a graduate nurse. Second, I am, by present law, unable to retain them in that status if they fail even one section of the test.

This sequence of events is extremely humiliating to the new employee, and detrimental to our staffing the units.

I have just experienced this with three new graduates. In each situation I believe the graduate, through work experience, has developed beyond what she demonstrated at the time she took the test; and the reduction in pay and status is in direct conflict with our goal to assist the growth and development of our new employees. In each case this development has created some severe staffing problems.

The questions I raise and ask you to consider are these:

1. As I have placed trust in these individuals before the test pool results, then should it not be my prerogative whether our institution wishes to permit these individuals to continue functioning as a graduate nurse? It seems to me that some authority and responsibility should rest with the employer.

2. If the graduate, upon failure of the test, must be reduced in salary and status, then would it not be better to start with the premise - "I can't trust you until you have passed the test"?

I do not endorse the second option, but it at least appears more logical than how we are presently operating.

Sincerely,

Lou Schroeder

Lou Schroeder
Vice President

LS/pe

GOOD SAMARITAN
CLEARBROOK
GOOD SAMARITAN CENTER
PHONE 776-3157 · CLEARBROOK, MINNESOTA 56634

August 24, 1979



Ms. Joyce M. Schowalter, Executive Secretary
Minnesota Board of Nursing
717 Delaware Street S.E.
Minneapolis, Minnesota 55414

Dear Joyce,

In reply to your solicit on opinions of licensure and Inter-State endorsement.

1. I have expressed this before and I still feel that it is very unfair to the L.P.N.'s to have to wait from July to end of October to write their boards.
   a. This hinders their possibilities of job placement or at least interferes with duties they can perform, especially in a nursing home, or working in small community hospitals.
   b. New graduates have also expressed to me that they feel review for testing is much more difficult after such a delay.

   They used to be given end of July, or 1st of August, why the change?

2. As to Inter-State endorsement. It seems that quite a length of time lapsed from when you apply until it is received. If my recollection is correct, I believe it took almost 2 months for my endorsement. For me this was not a problem, since I had applied early, but for some, perhaps this early application is not possible.

Sincerely,

S. Voigt, RN.

Shirley Voigt, RN
Director of Nursing

SV:lb



Anoka Area Vocational Technical Institute
Anoka-Hennepin Independent School District No. 11
1355 West Main · Anoka, Minnesota · 55303
612 · 427 · 1880



November 7, 1983

Ms. Sandra MacKenzie
Minnesota Board of Nursing
717 Delaware Street SE
Minnepolis, MN 55414

Dear Ms. MacKenzie:

After attending the October 6, 1983, board meeting and hearing the proposed licensure rules, I feel the need to voice my objections about the proposed requirements for being in the final term when taking the State Board examination.

Most practical nursing programs in the state have graduated their students well in advance of the April and October exams. Because students are graduating every six weeks in our program, there may be times when students would be at some point in the final three weeks of the program which is our technoterm rotation. During technoterm, students are reviewing and practicing their skills under the direction of the team leader. There is no new nursing content related to the State Board test, nor are any more tests being given which they must pass. It seems that changing the present rules would place an undue hardship on these students. Our admission and graduation dates are set automatically every six weeks around the year.

This is a list of the graduation dates and State Board exam dates through April 1986:

I.	Anoka AVTI Practical Nursing graduation	- April 13, 1984 *
	State Boards	- April 10, 1984
II.	Anoka AVTI Practical Nursing graduation	- October 17, 1984
	State Boards	- October 24, 1984
III.	Anoka AVTI Practical Nursing graduation	- April 26, 1985 *
	State Boards	- April 16, 1985
IV.	Anoka AVTI Practical Nursing graduation	- October 25, 1985 *
	State Boards	- October 15, 1985
V.	Anoka AVTI Practical Nursing graduation	- May 2, 1986 *
	State Boards	- April 15, 1986

*Indicates students who would be in technoterm at the time of the State Board exam.

No student has failed the State Board exam who has been in technoterm at the time of writing the State Board examination.

Graduates are not being hired as LPNs with the permit very readily. The permit was originally intended to make the waiting period between Board exams more acceptable, since the exams used to be given more frequently. Making the rule more restrictive now would discriminate and be in conflict with the original intent of the law.

Thank you for reconsidering this rule change.

Sincerely yours,

Bette Struck

Bette Struck, Director
Practical Nursing Program

BS/sd/Db

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Nursing Governing Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure without Examination, Nullification of Applications and Registration Renewal

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

SANDRA MACKENZIE, being first duly sworn, deposes and says:

That she is the person listed in the Notice of Intent to Adopt Rules without a Public Hearing which was published in the State Register on June 11, 1984.

She further states that no requests have been received from persons who wished to be notified of the submission of these rules to the Attorney General.

Sandra MacKenzie

SANDRA MACKENZIE

Subscribed and sworn to before me this 23rd day of August, 1984.

Marilyn A. Wolner

MARILYN A. WOLNER
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES APRIL 30, 1991

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of the Proposed Adoption of Rules of the Board of Nursing Governing Authorization to Practice; Requirements for Licensure by Exam; Requirements for Licensure Without Exam; Nullification and Registration Renewal

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, sections 14.05 to 14.36:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, September 23, 1984, for review as to form and legality. Pursuant to part 2000.1000, the Attorney General will not approve the rules for at least eight calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after (the hearing/publicaton in the State Register) and before submission to the Attorney General, you may contact Sandra MacKenzie, Board of Nursing, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414.

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 Adopting of Rules of the Board of Nursing Governing Authority to Practice Requirements for Licensure by Examination; Requirements for Licensure without Nullification, and Registration Renewal

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Audrey Kaiser Manka, do hereby declare that I have examined the 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. Any exceptions are noted below.

The rules were given to the State Register in the correct form, but in publishing those rules, the following typographical errors were made:

Page 11, line 25, "if" instead of "is;"

Page 11, line 26, "an" instead of "the;"

Page 12, line 3, published as "late" instead of "lare;"

The rules were adopted in the correct form and the typographical errors do not affect the substance of the rules.

Audrey Kaiser Manka

AUDREY KAISER MANKA
Special Assistant
Attorney General

Dated: Sept. 23, 1984

DEPARTMENT of Finance

STATE OF MINNESOTA

Office Memorandum

TO: Joyce M. Schowalter, RN
Executive Secretary
Minnesota Board of Nursing

DATE: January 30, 1984

FROM: Allen A. Yozamp, Director
Budget Operations and Support

PHONE: 296-5188

SUBJECT: Request for new fees

Attached is the approval of your request for late filing fee and service fee for proctoring.

Publication of these changes are required under the admistrative rules process, M.S. 14.21-28.

AAY:BN/ju

STATE OF MINNESOTA

DEPARTMENT Board of Nursing

Office Memorandum

TO: Allen A. Yozamp, Director
Budget Planning and Control Division

DATE: January 24, 1984

FROM: Joyce M. Schowalter, RN
Executive Secretary

PHONE: 623-5493

SUBJECT: A late Filing Fee and a Service Fee for Proctoring

The Board of Nursing is in the process of revising all rules pertaining to the initial licensing of registered nurses and licensed practical nurses. In so doing we wish to require the payment of two new fees: a late filing fee of $20 and a service fee of $20 for proctoring examination candidates from other states. We believe authorization for these fees can be found in Minnesota Statutes §§ 148.191, subd. 2; 148.211, subd. 1; 148.291, subd. 1; 148.296, subd. 1 and 214.06 subd. 1.

Late Filing Fee

The late filing fee is needed to discourage late submission of materials prior to an examination and to cover the costs incurred in hand-processing the late materials. The Board usually processes the applications of 20 - 30 late applicants for each of the four examinations administered.

The work involved in the processing includes clerical work and mailing and is the same for RN and LPN and for each writing of the examination. The amount of $20 is our best estimate of what the fee should be. Total income projected per fiscal year: $600.

Service Fee for Proctoring

The service fee is necessary to cover the costs incurred by the Minnesota Board when candidates for licensure in other states write the examination in Minnesota. This service is provided for nurses who have moved to Minnesota after graduation from a nursing school but before the examination date. After the candidate passes the examination he/she usually applies for licensure in Minnesota. This service is provided by about 30 other states as well, thereby facilitating interstate endorsement.

Only about four applicants per year request this service. The expenses incurred by the Board include clerical services, professional correspondence with another Board, space rental and all activities during the examination. Other states charge from $10 to $115 for this service. The amount of $20 is an estimate of the Board costs which we believe should be reimbursed by such a candidate. Total income projected per fiscal year: $80.

If additional information is needed, please let we know. We look forward to your authorization of both fees. Thank you.

Allen A. Yozamp

Approved Allen A. Yozamp, Director

1-30-84
Date

cc: John Schorn, Comptroller
Terry P. O'Brien, Spec. Assistant Attorney General
Enc: Fee Review Schedule

Fee Review

Department/Agency: Nursing, Board of

Fee Name: See below

Legal Citation: M.S. 148.171 - 148.299

Fee Set By: ☐ Law ☒ Agency

Purpose of Fee: To license registered nurses and licensed practical nurses, approve nursing programs, verify licenses to other states, register nursing corporation and operate the agency.

☐ Dedicated ☒ Non-Dedicated

Revenue Code: 310

APID: 21513:00:10

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 81	Actual F.Y. 82	Actual F.Y. 83	Requested F.Y. 84	Requested F.Y. 85
Actual/Anticipated Receipts	566.0	868.5	583.7	988.2	625.7
Less Actual/ Anticipated Costs	601.8	655.6**	644.6**	788.6**	812.4**
Current Difference	(35.8)	212.9	(60.9)	199.6	(186.7)
Accumulated Difference*	186.3	399.2	338.3	537.9	351.2
Number Paying Fee			See Below		
Present Fee			See Below		
Date Fee Last Changed			1982		

*Accumulated from F.Y. 79

Remarks:

Type of Fee	RN No.	RN Amount	RN Total	LPN No.	LPN Amount	LPN Total
Nursing Corporations	6	$ 25.00	$ 150	0	$ 0	$ 0
Lic. by Endors.	900	40.00	36,000	300	30.00	9,000
Lic. by Exam	2,000	50.00	100,000	800	31.50	25,200
				200	35.00	7,000
Re-exam.	350	25.00	8,750	100	6.50	650
				50	10.00	500
Verification	1,600	10.00	16,000	600	10.00	6,000
Regis. Renewal (2 yr.)	10,000	16.00	160,000	9,000	16.00	144,000
Late Penalty	3,000	5.00	15,000	1,200	5.00	6,000
Misc. Renewal Fees	400	5.00	2,000	400	5.00	2,000
			$337,900			$200,350

**Includes general support costs and statewide indirect costs: F.Y. 1982 $20.4; F.Y. 1983 $15.2; F.Y. 1984 $16.2 and F.Y. 1985 $17.4.

Department Authorized Signature: [signature] 1/24/84

Agency Controller Signature:

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

August 23, 1984

Ms. Judith Wehrwein
Office of the Attorney General
G-25 State Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Re: In the Matter of the Proposed Adoption of Rules of the State Board of Nursing Governing Authorization to Practice, Requirements for Licensure by Examination, Requirements for Licensure without Examination, Nullification of Applications and Registration Renewal

Dear Judith:

Enclosed for your review of the above-referenced rules please find the following documents:

1. An original and three copies of the rule as adopted;
2. Two copies of the Order adopting the rule;
3. A copy of the rule as published in the State Register;
4. An Affidavit of Mailing of Intent to Adopt a Rule without a Public Hearing;
5. The Notice of Intent to Adopt a Rule without a Public Hearing;
6. Certificate of Board's resolution adopting a rule;
7. Notice of intent to solicit outside opinion and written material received by the agency, as required by Minnesota Statutes, section 14.10;
8. Order for Notice of Intent to Adopt a Rule Without Public Hearing;
9. Certificate of Board's authorizing resolution (ordering notice);
10. Mailing list certificate;
11. Statement of Need and Reasonableness;
12. Written comments on the rule or requests for public hearing received by the agency;
13. Certificate of compliance with rulemaking procedures;

14. Affidavit of Mailing Notice of Submission to the Attorney General and accompanying notice;

15. Department of Finance's approval of proposed fees.

Very truly yours,

AUDREY KAISER MANKA
Special Assistant
Attorney General

AKM:lb

Enclosures