

ening to discharge an employee for seeking workmen's compensation benefits or in any manner intentionally obstructing an employee seeking workmen's compensation benefits is liable in a civil action for damages incurred by the employee including any diminution in workers' compensation benefits caused by a violation of this section including costs and reasonable attorney fees, and for punitive damages not to exceed three times the amount of any compensation benefit to which the employee is entitled. Damages awarded under this section shall not be offset by any workmen's compensation benefits to which the employee is entitled.

Sec. 22. **REPEALER.** Minnesota Statutes 1974, Section 176.111, Subdivisions 9 and 19, are repealed as of the effective date of this act.

Sec. 23. **INSTRUCTION TO REVISOR.** The revisor of statutes is hereby instructed to substitute the word "workers" in place of the word "workmen's" wherever the word "workmen's" appears in Minnesota Statutes 1974, Chapters 79, 175, and 176, and in any other sections of Minnesota Statutes where the word "workmen's" is used in conjunction with the word "compensation" to refer to benefits granted pursuant to chapter 176 or similar laws in other states. The revisor of statutes is further instructed to substitute the word "worker" in place of the word "workman" wherever the word "workman" appears in Minnesota Statutes 1974, Chapter 79, 175, and 176.

Sec. 24. Sections 10, 13, 15, and 30 of this act shall become effective on October 1, 1975.

Approved June 4, 1975.

## CHAPTER 360—H.F.No.532

[Coded in Part]

*An act relating to public health; Minnesota board of nursing; nursing schools; providing for registering, licensing and disciplining registered and practical nurses; unauthorized practice of nursing; amending Minnesota Statutes 1974, Sections 148.181, Subdivisions 1 and 2; 148.191; 148.211, Subdivisions 1 and 3; 148.231, Subdivisions 1 and 2; 148.251; 148.261; 148.271; 148.281, Subdivision 1; 148.286, Subdivisions 1 and 3; 148.29, Subdivision 2; 148.291, Subdivisions 1 and 4; 148.292; 148.293, Subdivision 1; 148.294, Subdivisions 1 and 2; 148.296, Subdivision 1; 148.297; Chapter 148, by adding sections; repealing Minnesota Statutes 1974, Sections 148.282; and 148.291, Subdivision 5.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 148.181, Subdivision 1, is amended to read:

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**148.181 PUBLIC HEALTH; NURSING; BOARD OF NURSING; MEMBERSHIP, APPOINTMENTS, VACANCIES, REMOVALS.** Subdivision 1. The Minnesota board of nursing shall consist of 11 members appointed by the governor, each of whom shall be a resident of this state. Seven members shall be nurses ~~who shall have completed at least an approved four-year high school course of study or its equivalent; each of whom shall have graduated from an accredited-approved school of nursing;~~ shall be licensed as a registered nurse in this state; shall have had at least five years experience in nursing following graduation ; ~~and~~. Four of ~~whom—the seven~~ shall have had at least two years executive or teaching experience in nursing education and shall have been actively engaged in the practice of nursing within two years of her appointment. The remaining four members shall be public members as defined for purposes of Laws 1973, Chapter 638 who shall serve five-year terms; provided that of the initial public members appointed, two shall serve a four-year term and two shall serve a five-year term beginning July 1, 1973. Each member of the board shall file with the ~~department—secretary~~ of state ; the constitutional oath of office before beginning his or her term of office. ~~Provided, however, that the present members of the Minnesota state board holding office under the provisions of the Minnesota nurse practice act shall serve as members of said board until the expiration of their respective terms or until their successors have been appointed and qualified.~~

Sec. 2. Minnesota Statutes 1974, Section 148.181, Subdivision 2, is amended to read:

Subd. 2. On expiration of the term of a member who is a nurse, the governor may appoint, from a list of members submitted by ~~the Minnesota nurses' association and other professional nursing groups,~~ a nurse to hold office for a term of five years commencing on July 1 next following the date of expiration of the former term . Such list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by ~~the Minnesota nurses' association and other professional nursing groups~~ in the manner aforesaid, within a period of 90 days. No board member shall be appointed to consecutive terms. Members shall hold office until a successor is appointed and qualified.

Sec. 3. Minnesota Statutes 1974, Section 148.191, is amended to read:

**148.191 ANNUAL MEETING; RULES; EXECUTIVE DIRECTOR.** Subdivision 1. The board shall meet annually ~~in the month of August~~ and shall elect from its members a president , a vice president and a secretary who shall also be the treasurer. The board may appoint and employ an executive ~~secretary—director~~ as hereinafter provided who need not be a member of the board. It shall hold such other meetings during the year as may be deemed necessary to transact its business.

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A majority of the board, including one officer, shall constitute a quorum at any meeting.

Subd. 2. The board is authorized to adopt and, from time to time, revise ~~such rules and regulations~~ not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.285. The board shall prescribe by rule curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to 148.285. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall ~~accredit~~ approve such schools and courses as meet the requirements of sections 148.171 to 148.285 and ~~of the board rules~~. ~~It shall evaluate and approve courses for affiliation.~~ It shall examine, license and renew the license of 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 requirements for licensure, registration and renewal of registration.~~ It shall conduct hearings pursuant to the administrative procedure act upon charges calling for discipline of a licensee or revocation of a license. It shall have power to issue subpoenas, and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings. It shall cause the prosecution of all persons violating sections 148.171 to 148.285 and have power to incur such necessary expense therefor. It shall keep a record of all its proceedings and make a biennial report to the governor on or before October 1 in each even-numbered year.

Subd. 3. The board may appoint and employ a qualified person to serve as executive ~~secretary-director~~ to the board, and it shall ~~fix her compensation and define her duties for this position.~~ The board may as necessary from time to time secure the services of a qualified person to serve as a hearing officer consistent with chapters 15 and 43. It may employ such other persons as may be necessary to carry on the work of the board. ~~The treasurer or any other person employed who may have charge of funds, shall be bonded, as may be determined by the board.~~

Sec. 4. Minnesota Statutes 1974, Section 148.211, Subdivision 1, is amended to read:

148.211 **APPLICATION; EXAMINATION; LICENSE; FEE.** Subdivision 1. An applicant for a license to practice as a registered nurse shall submit to the board written evidence, verified by oath, on the application form prescribed by the board, that said applicant:

- (1) ~~Is 19~~ Is 19 years of age;
- (2) ~~(1)~~ (1) Is of good moral character;
- (3) ~~(2)~~ (2) Is in good ~~physical and~~ mental health;

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~~(4)~~<sup>(3)</sup> Has completed at least an approved four-year high school course of study or the equivalent thereof—Meets secondary education requirements as determined by the board and shall meet such other preliminary qualification requirements as the board may prescribe; provided that an applicant who began her course of study in a school of nursing prior to the date Laws 1945, Chapter 242, became effective, submits in lieu thereof evidence of having completed the preliminary educational requirements in force at the time of her admission to the school of nursing;

~~(5)~~<sup>(4)</sup> Has completed a course of study at least 22 months in length in an accredited—approved school of professional nursing and holds a diploma therefrom.

Sec. 5. Minnesota Statutes 1974, Section 148.211, Subdivision 3, is amended to read:

Subd. 3. The applicant applying for a license to practice as a registered nurse shall pay a fee of ~~\$25~~ to the board an amount determined by rule by the board so that total fees collected by the board will as closely as possible equal anticipated expenditures. Any applicant applying for re-examination shall pay a fee of ~~\$10~~ for one part and \$5 for each additional part of a re-examination; not to exceed a total of \$20—an amount determined in the same manner.

Sec. 6. Minnesota Statutes 1974, Section 148.231, Subdivision 1, is amended to read:

148.231 **REGISTRATION.** Subdivision 1. **ANNUAL REGISTRATION AND CERTIFICATE; FEE; PENALTY.** Every person licensed to practice nursing as a registered nurse shall be registered with the board as a licensed registered nurse, and in addition to the license, shall be issued a registration certificate for a calendar year. The registration shall be annually renewed for each calendar year and the board shall, on or before December 1 of each year, mail an application to such a licensee for renewal registration and such licensee shall on or before the last day of such calendar year after receipt of such application, fill in same and return it to the board with a registration fee of ~~\$4~~. A penalty fee of ~~\$2~~ shall be added for applications postmarked after the last day of such calendar year. Upon receipt of the application and the fee, the board shall verify the accuracy of the application and issue to such applicant a certificate of renewal registration for the next calendar year.

Sec. 7. Minnesota Statutes 1974, Section 148.231, Subdivision 2, is amended to read:

Subd. 2. **DELINQUENT.** Any person licensed under the provisions of sections 148.171 to 148.285 who fails to re-register within the period hereinbefore provided, shall be deemed delinquent and shall not be entitled to practice nursing in this state as a registered nurse, until an ap-

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plication for renewal registration has been filed with the board accompanied by ~~\$2~~ a registration fee for each calendar year during which said applicant has been delinquent, up to a maximum of ~~\$10 stipulated by the board by rule~~, and a certificate of re-registration issued to such person.

Sec. 8. Minnesota Statutes 1974, Section 148.251, is amended to read:

148.251 **SCHOOL OF NURSING.** Subdivision 1. An institution desiring to conduct a school of nursing shall apply to the board and submit evidence that:

(1) It is prepared to ~~give at least a 22 month course of theoretical instruction and practical experience~~ provide a program of theory and practice in nursing as prescribed in the curriculum adopted by the board. Such instruction and experience may be secured in one or more institutions or agencies approved by the board.

(2) It is prepared to meet other standards established by ~~this~~ law and by the board.

Subd. 2. A survey of the institution or institutions with which the school is to be affiliated shall be made by a qualified representative of the board. Such representative shall submit a written report of the survey to the board. If ; ~~in the opinion of the board~~ determines that the requirements for an ~~accredited-approved~~ school of nursing are met, it shall ~~approve-designate~~ the school as an ~~accredited-approved~~ school of nursing.

Subd. 3. From time to time as deemed necessary by the board, it shall be the duty of the board, through its representatives, to survey all schools of nursing in the state. Written reports of such surveys shall be submitted to the board by the representative. If the board determines that any ~~accredited-approved~~ school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of ~~accredited-approved~~ schools of nursing.

Sec. 9. Minnesota Statutes 1974, Section 148.261, is amended to read:

148.261 **REVOCAION OF LICENSE.** Subdivision 1. The board shall have power pursuant to procedures specified in the administrative procedure act, unless otherwise permitted in this section, to deny, ~~revoke or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of~~ suspend, revoke, or restrict the license and registraton of any person to practice professional nursing pursuant to sections 148.171 to 148.285, or to otherwise

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discipline a licensee or applicant upon proof that the person:

(1) ~~Is guilty of~~ Has employed fraud or deceit in procuring or attempting to procure a license to practice nursing as a registered nurse or annual registration for the practice of professional nursing ;

(2) ~~Is guilty of gross immorality or of a crime, except misdemeanors~~ Has been convicted of a felony or gross misdemeanor ;

(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) ~~Is mentally incompetent~~ Has, in his or her professional capacity, exhibited behavior which creates an undue risk of harm to others ;

(6) Is guilty of ~~unprofessional conduct~~ unethical practice of nursing ;

(7) Has wilfully or repeatedly violated any of the provisions of sections 148.171 to 148.285.

Subd. 2. Before the board shall order any such suspension , re-  
striction, disciplinary action or revocation it shall, on its own motion, cause an investigation to be made ; ~~and-~~ It shall issue a citation under the seal of the board, signed by the secretary-executive director , directing and requiring the holder of the license-licensee to show cause on a day certain why his or her license and registration shall not be suspended , restricted or revoked on the grounds specified therein, and the holder of the license-person shall be given 20 days notice of the hearing ; and- The board may without notice or hearing temporarily suspend the license and registration for not more than 30 days when any of the grounds of revocation, suspension or discipline designated in section 148.261, subdivision 1, are under investigation by the board, a citation has been issued by the board pursuant to this subdivision, and the board has determined that the practice of nursing by the person creates an imminent risk of harm to others. The board must schedule a hearing on a temporary suspension within ten days after the date of suspension. At any hearing under this section, the licensee shall be entitled to be represented by legal counsel. A hearing officer may preside at the hearing and a stenographic record shall be kept of the proceedings. The action of the board in suspending or revoking a license hereunder, affecting a license or registration, shall be subject to review at the election of the licensee by a writ of certiorari brought in the district court of Ramsey county, or by appeal to the said court or the district court in the county in which the licensee resides, in which event the matter shall be tried de novo. The action of the board shall stand until otherwise directed by the district court or the supreme court of the state of Minnesota, on appeal-pursuant to sections 15.0424 to

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15.0426 .

Subd. 3. Any registered nurse whose license or registration has been suspended, restricted or revoked, may ~~be have~~ his license reinstated ~~or a new license and a new registration issued to such nurse~~ when in the discretion of the board the action is warranted, provided that such nurse ~~shall~~ may be required by the board to pay ~~all~~ 50 percent of the costs of the proceedings resulting in the suspension or revocation of the license or registration certificate and reinstatement of a ~~new~~ the license or renewal certificate, and in addition thereto, pay ~~a~~ the fee of \$15 for the current year's registration.

Sec. 10. Minnesota Statutes 1974, Section 148.271, is amended to read:

148.271 **ALLOWABLE UNLICENSED PRACTICES.** The provisions of sections 148.171 to 148.285 shall not prohibit:

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

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

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

(4) The practice of any profession or occupation licensed by the state, other than professional nursing, by any person duly licensed to practice such profession or occupation, or the performance by such a person of any acts properly coming within the scope of such a profession, occupation or license.

(5) The practice of professional nursing prior to July 1, 1960, by any person who is not a registered nurse and who does not in any way

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~~assume or represent to be a registered nurse.~~

~~(6) The practice of nursing, other than professional nursing as defined herein, by any person who does not assume or represent to be a registered or professional nurse.~~

~~(7)-(5) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.~~

~~(8)-6 The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the state of Minnesota pursuant to a temporary permit issued by the board of nursing which permit shall be issued by the board pursuant to such rules and regulations as it may promulgate, for the period between the submission of a proper application for licensure by such person and the date of action upon such application by the board.~~

~~(9)-(7) The practice of nursing care of the sick, injured or infirm in a private home by any person who does not assume or represent to be a registered or professional nurse.~~

~~(10) The practice of nursing under the supervision of a licensed doctor of medicine.~~

Sec. 11. Minnesota Statutes 1974, Section 148.281, Subdivision 1, is amended to read:

148.281 **VIOLATIONS.** Subdivision 1. It shall be unlawful for any person, corporation, or association, to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein;

(2) Practice professional nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice professional nursing unless duly ~~registered or licensed~~ and currently registered to do so under the provisions of sections 148.171 to 148.285;

(4) Use ~~in connection with his or her name~~ any abbreviation or other designation tending to imply that ~~he or she is licensure as a registered nurse or a professional nurse~~ he or she is licensure as a registered nurse unless duly registered ~~or and~~ licensed so to practice professional nursing under the provisions of sections 148.171 to 148.285;

(5) Practice professional nursing ~~during the time his or her license in a manner prohibited by the board in any restriction of a license or registration~~ issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked ;

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(6) Practice professional nursing during the time his or her license or current registration issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked;

(7) Conduct a school of nursing for the training of persons to become registered nurses or professional nurses unless the school or course has been ~~accredited~~ approved by the board.

Sec. 12. Minnesota Statutes 1974, Section 148.286, Subdivision 1, is amended to read:

148.286 **NURSING GRANTS-IN-AID.** Subdivision 1. **ENTITLEMENT, USE, AMOUNT.** The Minnesota board of nursing may award grants-in-aid to students attending a school of nursing in this state ~~accredited~~ approved in accordance with the laws pertaining to registered nurses and licensed practical nurses. Such grants shall be awarded to those students who are residents of this state and who are in need of economic assistance in securing such nursing education, and shall be awarded on the basis of need and ability. These grants shall be used solely to defray tuition and other fees and expenses incidental to such nursing education. No student shall receive a grant of more than ~~\$2,000~~ \$3,500. Two-thirds of the grant shall be available to the student in the first year of her course, and the remainder thereof shall be divided equally between the remaining years of the course, provided, however, that the practical nurse grant shall not exceed ~~\$300~~ \$600 and shall be available to the student in the first year of her course.

Sec. 13. Minnesota Statutes 1974, Section 148.286, Subdivision 3, is amended to read:

Subd. 3. **ALLOCATION; ANNUAL AMOUNT AVAILABLE.** Not less than one-third of the amount available for grants in each fiscal year shall be awarded for grants in ~~accredited~~ approved schools, located in counties with a population of not exceeding 100,000 persons respectively. Provided, however, that at the end of six months of each fiscal year any amount remaining unallocated may be awarded for grants in any ~~accredited~~ approved school in the state of Minnesota. Except for amounts that may be necessary to pay any grants which have been awarded and not completed or terminated, any unexpended balance of the appropriated sums shall revert to the state treasury at the close of the said fiscal years. Of the amounts appropriated, not more than \$6,000 thereof shall be used for administration in each of the fiscal years.

Sec. 14. Minnesota Statutes 1974, Section 148.29, Subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** "Board" means "Minnesota Board of Nursing," provided that one registered nurse who is a member of the Minnesota board of nursing, chosen by lot, shall not be a member of the licensed practical nurses board for purposes of this definition, and

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for the purposes of sections 148.29 to 148.297 and ~~Laws 1971, Chapter 418~~ only section 24 of this act, five additional members shall be appointed by the governor, one of whom shall be a doctor of medicine duly licensed and registered in this state, one of whom shall be an administrator or superintendent of a licensed ~~hospital~~ health care facility located outside of a city of the first class, and three of whom shall be duly licensed and registered practical nurses.

Upon May 21, 1971, the governor shall appoint one of the new members for a two year term and one of the new members for a one year term; thereafter each new appointment shall be for a three year term. On expiration of the term of a member the governor shall appoint a new member to hold office for a term of five years, commencing on July 1 next following the date of expiration of the former term. Members shall hold office until a successor is appointed and qualifies. No board members shall serve consecutive terms. On expiration of the term of a member who is a licensed practical nurse, the governor may appoint, from a list of members submitted by practical nursing groups, a licensed practical nurse to hold office for a term of five years. The list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a licensed practical nurse, may be filled for the unexpired terms by appointments to be made by the governor in the manner aforesaid.

On expiration of the term of a member who is a doctor of medicine or administrator or superintendent of a licensed health care facility, the governor may appoint, from a list of members submitted by appropriate professional societies, a doctor of medicine and administrator or superintendent of a health care facility to hold office for a term of five years each. The list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a doctor of medicine or administrator or superintendent of a health care facility, may be filled for the unexpired terms by appointments to be made by the governor in the manner aforesaid.

The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

Sec. 15. Minnesota Statutes 1974, Section 148.291, Subdivision 1, is amended to read:

148.291 EXAMINATIONS. Subdivision 1. **QUALIFICATIONS.** An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence on a form provided by the board, verified by oath, that the applicant:

- (1) is at least 18 years of age;

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~~(2)~~(1) Is of good moral character;

~~(3)~~(2) Is in good ~~physical and~~ mental health;

~~(4)~~(3) ~~Has completed at least an eighth grade course of study in a grade school or its equivalent—~~Meets secondary education requirements as determined by the board and any other preliminary qualification requirements as the board may prescribe by rule ;

~~(5)~~(4) Has completed an approved course of ~~not less than nine months~~ for the training of licensed practical nurses.

Sec. 16. Minnesota Statutes 1974, Section 148.291, Subdivision 4, is amended to read:

Subd. 4. **FEE.** The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of ~~\$20 to the board~~ an amount determined by rule by the board so that total fees collected by the board will as closely as possible equal anticipated expenditures . Any applicant applying for re-examination shall pay a fee of ~~\$15~~ an amount determined in the same manner .

Sec. 17. Minnesota Statutes 1974, Section 148.292, is amended to read:

148.292 **APPROVED PROGRAM.** Subdivision 1. **APPROVED SCHOOL.** The board shall by rule set minimum standards for schools and courses preparing persons for licensing pursuant to sections 148.29 to 148.297 and section 24 of this act , and cause the same to be written and filed with the ~~secretary-executive~~ director of the board. It may by rule amend said requirements pursuant to sections 148.29 to 148.297 and section 24 of this act from time to time and any such amendment shall also be written and filed with the ~~secretary-executive~~ director of the board. It shall conduct or provide for surveys of such schools and courses at such time as it may deem necessary. It shall approve such schools as in the opinion of the board, meet the requirements of this law ~~and of the board rules~~ . It shall evaluate and approve courses for affiliations. If at any time, the board determines that any approved school is not maintaining the standards required by this law and by the board, notice thereof in writing specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools.

Subd. 2. **NEW SCHOOL.** An institution desiring to initiate a school to prepare persons for licensing pursuant to sections 148.29 to 148.297 and section 24 of this act shall apply to the board and submit evidence that it is prepared to meet the standards established by this law and by the board. Upon satisfactory proof that adequate preparation has been made to comply with the standards established by this law and by the board, the board shall approve the establishment of the

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school.

Sec. 18. Minnesota Statutes 1974, Section 148.293, Subdivision 1, is amended to read:

**148.293 VIOLATIONS, EXEMPTIONS.** Subdivision 1. It is unlawful for any person, corporation, or association to:

(1) Conduct a school of nursing for the training of persons to become licensed practical nurses unless the school is approved by the board.

(2) Use in connection with his or her name the words practical nurse, licensed practical nurse, or the letters "PN", "LPN", or any designation tending to imply that he or she is a practical nurse, or licensed practical nurse unless such person is licensed by the board.

(3) Practice practical nursing unless duly licensed and currently registered to do so under the provisions of sections 148.29 to 148.297 and section 24 of this act.

(4) Sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein.

(5) Practice practical nursing under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

(6) Practice practical nursing in a manner prohibited by the board in any restriction of a license or registration issued under the provisions of sections 148.29 to 148.297 and section 24 of this act:

(7) Practice practical nursing during the time his license or current registration issued under the provisions of sections 148.29 to 148.297 and section 24 of this act shall be suspended or revoked.

Sec. 19. Minnesota Statutes 1974, Section 148.294, Subdivision 1, is amended to read:

**148.294 REGISTRATION.** Subdivision 1. **ANNUAL REGISTRATION.** Every licensed practical nurse shall register annually with the board for each calendar year and pay a fee of ~~64~~ on or before December 31 of the immediately preceding year; thereupon, the board shall issue a certificate of renewal registration. A penalty fee of ~~63~~ shall be added for renewal registration applications postmarked after December 31 of the immediately preceding year.

Sec. 20. Minnesota Statutes 1974, Section 148.294, Subdivision 2, is amended to read:

Subd. 2. **FAILURE TO RE-REGISTER.** A person licensed under Changes or additions indicated by underline deletions by ~~strikeout~~

the provisions of section 148.291 who fails to re-register within the period hereinbefore provided shall be deemed delinquent and shall not be entitled to practice nursing in this state as a licensed practical nurse, until an application for renewal registration has been filed with the board accompanied by ~~\$2~~ a registration fee for each calendar year during which said applicant has been delinquent, up to a maximum of ~~\$10~~ stipulated by the board by rule , and a certificate of re-registration issued to such person.

Sec. 21. Minnesota Statutes 1974, Chapter 148, is amended by adding a section to read:

**[148.295] ALLOWABLE UNLICENSED PRACTICES.** The provisions of sections 148.29 to 148.297 shall not prohibit:

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

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

Sec. 22. Minnesota Statutes 1974, Section 148.296, Subdivision 1, is amended to read:

**148.296 BOARD; RULES.** Subdivision 1. The board is authorized to adopt rules as may be necessary to effectuate the provisions of sections 148.29 to ~~148.294-148.297~~ and section 24 of this act . It has power to issue subpoenas, and to compel the attendance of witnesses, and to administer oaths. It shall cause the prosecution of all persons violating sections 148.29 to 148.294 and section 24 of this act .

Sec. 23. Minnesota Statutes 1974, Section 148.297, is amended to read:

**148.297 REVOCATION OR SUSPENSION OF LICENSE; NOTICE, HEARING.** Subdivision 1. The board shall have power pursuant to procedures specified in the administrative procedure act, unless otherwise permitted in this section, to deny, revoke , restrict or suspend any ~~the~~ license and registration of any person to practice practical nursing issued by the board or applied for in accordance with the provisions of sections 148.29 to 148.294, or to otherwise discipline a licensee or applicant upon proof that the person:

Changes or additions indicated by underline deletions by ~~strikeout~~

(1) ~~Is guilty of~~ Has employed fraud or deceit in procuring or attempting to procure a license ~~to or~~ annual registration for the practice of practical nursing as a practical nurse ;

(2) ~~Is guilty of gross immorality or of a crime, except misdemeanors~~ Has been convicted of a felony or gross misdemeanor ;

(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) ~~Is mentally incompetent~~ Has, in his or her occupational capacity, exhibited behavior which creates an undue risk of harm to others ;

(6) Is guilty of unethical practice of practical nursing;

(7) Has wilfully or repeatedly violated any of the provisions of sections 148.29 to 148.294.

Subd. 2. Before the board shall order any such suspension, restriction, disciplinary action or revocation it shall cause an investigation to be made. It shall issue a citation under its seal, signed by the secretary executive director, directing the licensee to show cause on a day certain why his or her license and registration should not be suspended, restricted or revoked on the grounds specified therein. The licensee shall be given 20 days notice of the hearing; ~~and~~, The board may without notice or hearing temporarily suspend the license and registration for not more than 30 days when any of the grounds of revocation, suspension or discipline designated in section 148.297, subdivision 1, are under investigation by the board, a citation has been issued by the board pursuant to this subdivision, and the board has determined that the practice of practical nursing by the person creates an imminent risk of harm to others. The board must schedule a hearing on a temporary suspension within ten days after the date of suspension. At any hearing under this section, the licensee is entitled to representation by counsel. A hearing officer may preside at the hearing and a stenographic record shall be kept of the proceedings. The action of the board in suspending or revoking a license hereunder affecting a license or registration is subject to review by the district court pursuant to sections 15.0424 to 15.0426 .

Subd. 3. Any practical nurse whose license ~~is or~~ registration has been suspended, restricted or revoked may ~~be have~~ his license reinstated or and a new license registration issued to her when in the discretion of the board such action is warranted. The nurse ~~shall~~ may be required by the board to pay all 50 percent of the costs of the proceedings resulting in the suspension or revocation of the license or registration certificate and reinstatement of ~~a the~~ license or renewal certificate, and ~~a the~~ fee of \$15 for the current year's registration .

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 24. Minnesota Statutes 1974, Chapter 148, is amended by adding a section to read:

**[148.299] UNAUTHORIZED PRACTICE OF PRACTICAL NURSING.** The practice of practical nursing by a person who has not been licensed to practice practical nursing under the provisions of sections 148.29 to 148.297 and this section, or whose license or registration certificate has been denied, suspended or revoked, or has expired is declared to be inimical to the public health and welfare and to constitute a public nuisance. Upon complaint being made thereof by the board, or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where the practice occurred may enjoin the acts and practice. The injunction proceeding shall be in addition to, and not in lieu of, all other penalties and remedies provided by law.

Sec. 25. Minnesota Statutes 1974, Sections 148.282 and 148.291, Subdivision 5, are repealed.

Sec. 26. This act takes effect the day after final enactment.

Approved June 5, 1975.

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#### CHAPTER 361—H.F.No.533

[Coded]

*An act relating to public welfare; Red Lake Indian reservation; state payments; amending Minnesota Statutes 1974, Chapter 256, by adding a section.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Chapter 256, is amended by adding a section to read:

**[256.965] PUBLIC WELFARE; RED LAKE INDIAN RESERVATION; PAYMENTS BY STATE.** Notwithstanding any other law to the contrary, the state agency shall pay to the county agencies 100 percent of the difference between the total estimated cost for payments on behalf of members of the Red Lake Indian reservation and the federal funds available therefor under the following programs:

- (a) the aid to families with dependent children program;
- (b) the medical assistance program;
- (c) the emergency assistance to needy families with dependent children program;
- (d) the social services program; and

Changes or additions indicated by underline deletions by ~~strikeout~~