

feasance, non-feasance, moral turpitude, injury, death, or other disability, the treasurer of the special fund shall return to the fireman all of the amounts so deducted from his base pay without interest. Members of the firemen's relief association in such city of the second class who were in cities of the second class receiving a firemen's pension on January 1, 1941, and who were active on January 1, 1941, and who joined the association thereafter, or their beneficiaries, shall receive as benefit payments, according to the rules of the association, amounts to be determined by the board of trustees of the association, but these amounts shall be no more than \$75.00 per month. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which the city is situated, and by the county shall be collected and payments thereof enforced when and in like manner as state and county taxes are paid.

Approved April 6, 1945.

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CHAPTER 242—S. F. No. 656

*An act relating to nursing, registered nurses, schools of nursing, providing for a board of examiners of nurses and defining its powers and duties, and prescribing penalties for violation of certain provisions of the act, and repealing Minnesota Statutes 1941, Sections 148.17-148.28 inclusive, and 148.61, Subdivision 1.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.** As used in this Act,

(1) The term "Board" shall mean "Minnesota State Board of Examiners of Nurses."

(2) The term "Registered Nurse," abbreviated R. N., shall mean "a natural person licensed by the Minnesota State Board of Examiners of Nurses to practice nursing."

(3) "The practice of nursing by a Registered Nurse" shall mean "the performing for compensation or personal profit of a professional service requiring special education, knowledge and skill, and the nursing care of those mentally or physically ill, and in the prevention of illness."

Sec. 2. **Board of examiners; appointment, oath, term, removal.** Subdivision 1. The Minnesota State Board of Exam-

iners of Nurses shall consist of seven members appointed by the Governor, each of whom shall be a resident of this state; shall have completed at least an approved four-year high school course of study or its equivalent; shall have graduated from an accredited 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 shall have 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. Each member of the board shall file with the department 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.

Subd. 2. On expiration of the term of any member, or a vacancy, the governor may appoint, from a list of members submitted by the Minnesota Nurses' Association, a nurse to hold office for a term of five years. Such list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by the Minnesota Nurses' Association in the manner aforesaid, within a period of 90 days.

Subd. 3. 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. 3. **Annual meeting; rules; executive secretary.** Subdivision 1. The board shall meet annually in the month of August and shall elect from its members a president and a secretary who shall also be the treasurer. The board may appoint and employ an executive secretary 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. 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 this Act. The board shall prescribe curricula and standards for schools and courses preparing persons for

licensure under this Act. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and courses as meet the requirement of this Act and of the board. 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 conduct hearings 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 this Act and have power to incur such necessary expense therefor. It shall keep a record of all its proceedings and make an annual report to the governor.

Subd. 3. The board may appoint and employ a qualified person to serve as executive secretary to the board, and it shall fix her compensation and define her duties. 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. **Mileage and per diem.** Each member of the board shall receive, in addition to necessary traveling and hotel expenses, \$10.00 per day for each day actually engaged in the discharge of her duties, including travel time and a reasonable number of days for the preparation of examination questions and grading examination papers, in addition to the time actually spent in conducting examinations and surveys.

Sec. 5. **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 20 years of age;
- (2) Is of good moral character;
- (3) Is in good physical and mental health;

(4) Has completed at least an approved four-year high school course of study or the equivalent thereof 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 this act becomes 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) Has completed a course of study at least 30 months in length in an accredited school of nursing and holds a diploma therefrom.

Subd. 2. (1) The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Any applicant failing to pass such examination, may apply for re-examination. Upon passing such examination, the board shall issue to the applicant a license to practice nursing as a Registered Nurse.

(2) The board may issue a license to practice nursing as a Registered Nurse without examination, to an applicant who has been duly licensed or registered as a Registered Nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant has the qualifications equivalent to the qualifications required for registration of nurses in this state.

Subd. 3. The applicant applying for a license to practice as a Registered Nurse shall pay a fee of \$15.00 to the board. Any applicant applying for re-examination shall pay a fee of \$5.00.

Sec. 6. **Persons now holding certificate.** Any person holding a license or certificate of registration to practice nursing as a Registered Nurse issued by the board which is valid on the effective date of this Act shall be deemed to be licensed as a Registered Nurse under the provision of this Act.

Sec. 7. **Registration.** Subdivision 1. 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 one year. The said registration shall be annually renewed, except as hereinafter provided, and the board shall, prior to the yearly expiration of such registration, mail an application to such a licensee for renewal registration, and such licensee shall, within 30 days after receipt of such application, fill in same and return it to the board with a registration fee of \$1.00. 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 one year.

Subd. 2. Any person licensed under the provisions of this Act who fails to re-register within the period hereinbefore provided, shall be deemed to have elected to be placed on the nonpracticing list and shall not be entitled to practice nursing in this state as a Registered Nurse, until an application for renewal registration has been filed with the board and a certificate of re-registration issued to such person.

Subd. 3. Any person licensed under the provisions of this Act who is serving with the armed forces shall be exempt from annual registration for the duration of the war and for one year thereafter.

Subd. 4. A person licensed under the provisions of this Act who desires to retire from practice temporarily, shall send a written notice to the board. Upon the receipt of such notice, the board shall place the name of such person on the nonpracticing list. While so remaining on this list, the person shall not be subject to the payment of any fees, and shall not practice nursing in this state. When such person desires to resume practice he shall make application for re-registration and pay the annual registration fee for the current year to the board, and the registration certificate shall be issued to such applicant, and such person shall immediately be placed on the practicing list as a licensed Registered Nurse.

**Sec. 8. Monies deposited with state treasurer.** Subdivision 1. All monies received by the board collected under this Act shall be paid to the treasurer of the board who shall deposit the same each month, with the state treasurer. The state treasurer shall place the money to the credit of the State Board of Examiners of Nurses fund.

Subd. 2. All amounts paid into this fund shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the purposes of this Act, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state.

**Sec. 9. 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 thirty-month course of theoretical instruction and practical experience 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, the requirements for an accredited school of nursing are met, it shall approve the school as an accredited 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 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 schools of nursing.

Sec. 10. **Revocation of license.** Subdivision 1. The board shall have power to deny, revoke or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of this Act, or to otherwise discipline a licensee upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing as a Registered Nurse;

(2) Is guilty of gross immorality or of a crime, except misdemeanors;

(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;

(6) Is guilty of unprofessional conduct;

(7) Has wilfully or repeatedly violated any of the provisions of this Act.

Subd. 2. Before the board shall order any such suspension or revocation it shall, on its own motion, cause an investigation to be made, and shall issue a citation under the seal of

the board, signed by the secretary, directing and requiring the holder of the license to show cause on a day certain why his or her license shall not be suspended or revoked on the grounds specified therein, and the holder of the license shall be given 20 days' notice of the hearing, and the licensee shall be entitled to be represented by legal counsel. A stenographic record shall be kept of the proceedings. The action of the board in suspending or revoking a license hereunder, 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.

Subd. 3. Any Registered Nurse whose license has been suspended or revoked, may be reinstated or a new license issued to such nurse when in the discretion of the board the action is warranted, provided that such nurse shall pay all the costs of the proceedings resulting in the suspension or revocation of the license and reinstatement of a new license, and in addition thereto, pay a fee of \$15.00.

Sec. 11. **Limitation on prohibitions.** The provisions of this Act shall not prohibit:

(1) The practice of nursing in this state by any legally-qualified nurse of another state whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of such engagement, not to exceed six months in length provided such person does not represent or hold himself or herself out as a nurse licensed to practice in this state;

(2) The practice of nursing in this state, for a period not to exceed six months, by a nurse registered in another state, territory or foreign country whose application for registration in this state is pending;

(3) The practice of 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;

(4) Any person from nursing the sick for hire who does not in any way assume or represent to be a Registered Nurse.

Sec. 12. **Unlawful acts.** 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 nursing by a Registered Nurse as defined by this Act under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
- (3) Practice nursing by a Registered Nurse as defined by this Act unless duly licensed to do so and registered under the provisions of this Act;
- (4) Use in connection with his or her name any designation tending to imply that he or she is a Registered Nurse unless duly licensed so to practice under provisions of this Act;
- (5) Practice nursing during the time his or her license issued under the provisions of this Act shall be suspended or revoked;
- (6) Conduct a school of nursing for the training of persons to become Registered Nurses unless the school or course has been accredited by the board.

Sec. 13. **Penalties.** Any person, corporation or association violating any provisions of Section 12 of this Act shall be guilty of a misdemeanor, and shall be punished according to law.

Sec. 14. **Repeals; transfer of assets.** Minnesota Statutes 1941, Sections 148.17-148.28 inclusive, and 148.61, Subdivision 1, are hereby repealed and all moneys, property and property rights belonging to and under the control of the Board of Examiners referred to in said sections, are hereby transferred and appropriated to the control and use of the board hereunder and the purpose provided herein.

Sec. 15. **Effective.** This Act shall take effect July 1, 1945.

Approved April 6, 1945.

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CHAPTER 243—S. F. No. 5

*An act appropriating money for the state compensation revolving fund and amending Minnesota Statutes 1941, Section 176.81.*