

Subd. 5. **EXCEPTIONS.** This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

Sec. 2. **PRE-EMPTION.** This act supersedes all local ordinances, rules and regulations.

Sec. 3. This act shall be effective the day following enactment.

Approved May 25, 1977.

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**CHAPTER 256—S.F.No.796**

[Coded in Part]

*An act relating to health; relating to unlicensed nursing practices; prohibiting the operation of professional nursing business without a license; amending Minnesota Statutes 1976, Sections 148.271; 148.281, by adding a subdivision; and 319A.02, Subdivision 2.*

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

Section 1. Minnesota Statutes 1976, Section 148.271, is amended to read:

**148.271 HEALTH; NURSES; LICENSE.** 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 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 will take the first examination for licensure hereunder following graduation given by the board and will be issued a permit by the board to engage in 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

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

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 performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.

(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.

(7) The 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.

(8) Care of the sick with or without compensation when done in a nursing home covered by the provisions of section 144A.09, subdivision 1.

Sec. 2. Minnesota Statutes 1976, Section 148.281, is amended by adding a subdivision to read:

Subd. 1a. It shall be unlawful to operate any non-governmental partnership, corporation or unincorporated association which is organized primarily to render professional nursing through its agents, unless the partnership, corporation or unincorporated association is registered pursuant to rules adopted by the board.

Sec. 3. Minnesota Statutes 1976, Section 319A.02, Subdivision 2, is amended to read:

Subd. 2. "Professional service" means personal service rendered by a professional pursuant to a license or certificate issued to him by the state of Minnesota pursuant to sections 147.01 to 147.29, 148.01 to 148.101, 148.171 to 148.285, 148.52 to 148.62, 148.79 to 148.86, 150A.01 to 150A.12, 153.01 to 153.15, 156.001 to 156.14, 326.17 to 326.23, or 481.01 to 481.17, or a license or certificate issued to him by another state pursuant to similar laws.

Approved May 25, 1977.

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CHAPTER 257—S.F.No.828

[Not Coded]

*An act relating to the city of Duluth; authorizing the city to acquire, construct, and maintain parking facilities and to finance same.*

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