

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA  
BOARD OF NURSING

In the Matter of the  
Proposed Amendments  
to 7 MCAR § 5.1030 et seq.  
and 7 MCAR § 5.2030 et seq.  
Repealing References to  
Nonpracticing and Delinquent  
Licenses of Registered Nurses  
and Licensed Practical Nurses  
and Providing For a Two Year  
Registration Renewal Period  
For Licensed Practical Nurses

STATEMENT OF NEED  
AND REASONABLENESS

The Minnesota Board of Nursing (hereinafter "Board"), pursuant to Minn. Stat. § 15.0412, subd. 4h (1980) hereby affirmatively presents facts establishing the need for and reasonableness of the proposed amendments to 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2030-5.2033 and 5.2036. The proposed amendments will repeal all references to "nonpracticing" and "delinquent" licenses of registered nurses and licensed practical nurses and will extend the registration renewal period from one year to two years for licensed practical nurses (hereinafter "LPNs"). In addition, the proposed rule changes will delete the reference to an annual fee in 7 MCAR § 5.2030 A., will reduce the number of continuing education contact hours required for persons licensed within six months prior to the first day of their first renewal and will permit the Board to require substantiation of continuing education for certain individuals who have deferred a number of hours to a succeeding renewal period.

I.

STATUTORY AUTHORITY FOR AMENDMENTS TO 7 MCAR §§ 5.1031-5.1033, 5.1036, 5.2030-5.2033 and 5.2036

Minn. Stat. §§ 148.231, subd. 1 and 148.294, subd. 1 (1980) as amended by Minn. Laws 1981, ch. 94, §§ 3 and 10, state, in relevant part, that:

Every person licensed to practice professional nursing must also maintain with the board, a current registration for practice as a registered nurse which must be renewed at regular intervals stipulated by the board by rule.

Every person licensed to practice practical nursing must also maintain with the board a current registration for practice as a licensed practical nurse which must be renewed at regular intervals stipulated by the board by rule.

In addition, Minn. Stat. § 214.06, subd. 2 (1980) states, in relevant part, that:

Notwithstanding any law to the contrary, each health related and non-health related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees to be set pursuant to subdivision 1.

The Board's general statutory authority for adopting or amending rules governing the licensing of registered nurses and LPNs is contained in Minn. Stat. §§ 148.191 and 148.296 (1980), respectively. Those statutes state, in pertinent part:

The board is authorized to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.299.

The board is authorized to adopt rules as may be necessary to effectuate the provisions of sections 148.29 to 148.294 and 148.299.

## II.

### NEED FOR AND REASONABLENESS OF AMENDMENTS TO 7 MCAR § 5.1031-5.1033, 5.1036, 5.2031-5.2033 and 5.2036

During the 1981 Legislative session, Minn. Stat. §§ 148.231, subs. 1, 4, 5 and 148.294, subs. 2 and 3 (1980) were amended to eliminate all references to nonpracticing and delinquency statuses of registered nurses and licensed practical nurses. The majority of the proposed rule amendments to 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2031-5.2033 and 5.2036 are designed to:

1. Achieve conformity with the statutes' amendments;
2. Make changes in registration processes necessitated by the statutes' amendments; and
3. Reorder rules which follow deletions.

As such, the proposed changes are both necessary and reasonable.

Two additional proposed rule amendments serve other purposes. One is designed to make continuing education requirements more equitable for a segment of the nursing population that obtains licensure within six months of their first renewal period (7 MCAR § 5.1031 B.6.). The other proposed new rule will permit the Board to require substantiation of continuing education for certain individuals who have deferred a number of hours to a succeeding renewal period (7 MCAR § 5.1031 B.9.).

The amendments and the rationale for their proposal are set forth more specifically below:

7 MCAR § 5.1030. Introduction and definitions.

A. [Unchanged.]

B. Definitions.

1.-9. [Unchanged.]

10. "Registration" means the process by which the names and original license numbers of individuals licensed by the Board are recorded on a roster to designate that the individuals are authorized to engage in professional nursing during a renewal period.

The definition has been amended because the previous wording inferred that registration means a tabulation process only. There was no indication that the term means a status or a capacity to perform nursing functions. The clause added to the definition serves two purposes. First, it clarifies the significance of registration, i.e., the right to practice professional nursing is conferred on the licensee. Second, the clause indicates the right to practice nursing is conferred for a specific period, not permanently. The reference to "renewal period" serves as a bridge to the definition immediately following.

7 MCAR § 5.1030 B.

11. [Unchanged.]

12. "Registration renewal" means the periodic process ~~by which the Board confers legal authority upon~~ whereby an individual, who is licensed and registered with the Board ~~authorizing the person to continue engaging in professional nursing~~ requests and obtains registration for the next renewal period.

The previous wording of the definition incorporated too many elements. "Renewal" is simply a process whereby a nurse extends registration for another two year period. The amended definition is limited to a description of the process. "Registration" is the result of the process and has such significance that it warrants a more complete explanation of its meaning which has been provided in definition #10.

7 MCAR § 5.1030 B.

13.-15. [Unchanged.]



16. "Reregistration" means the process whereby a licensee regains the authority to practice professional nursing after a period of lapsed registration.

The term "reregistration" was added to Minn. Stat. §§148.231, subd. 5 and 148.294, subd. 3 in 1981. Minn. Laws 1981, ch. 94, §§ 5 and 10. Thus, the definition is needed for clarification. The wording differentiates the reregistration process from the renewal process described in definition #12. The substance of the definition is consistent with that of the preceding definitions.

7 MCAR § 5.1031 Registration Renewal.

A. Requirements

1.-6. [Unchanged.]

7. An applicant for registration renewal, ~~except if in the nonpracticing status,~~ shall pay a penalty fee of \$4 as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31, of the year in which it was due.

8.-11. [Unchanged.]

B. Procedure

1.-3. [Unchanged.]

4. ~~A licensee's renewal application, evidence form and renewal fee postmarked on August 1, or later, shall be considered delinquent.~~

5. Information to be provided by the licensee on an evidence form shall include:

- a. Identification of the licensee;
- b. Identification of the continuing education activities;
- c. Verification that the continuing education activities met all the criteria specified in ~~7 MCAR § 5.1031 A.~~ and that the information contained on the form is true in every respect; and
- d. Licensee's signature and date signed.

~~6.5.~~ If the application form, evidence form, or renewal fee submitted by a licensee is incomplete, incorrect, or in noncompliance with ~~these rules~~ 7 MCAR § 5.1031, the licensee shall be notified as to the reason for the rejection and all documents shall be returned to the licensee within 30 calendar days after ~~receipt~~ the board receives them.

The phrase in 7 MCAR § 5.1031 A.7. referring to a nonpracticing status is deleted in conformity with the amendment of Minn. Stat. § 148.231, subd. 5 (1980). Minn. Laws 1981, ch. 94, § 5. Rule 7 MCAR § 5.1031 B.4. is deleted in conformity

with the amendment to Minn. Stat. § 148.231, subd. 4 (1980). Minn. Laws 1981, ch. 94, § 4. Prior rules 7 MCAR §§ 5.1031 B.5. and B.6. are renumbered as B.4. and B.5. due to the repeal of 7 MCAR § 5.1031 B.4.

7 MCAR § 5.1031 B.

7.6. 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.

This rule is renumbered to compensate for a previous deletion and to maintain the sequence of the numbering. The additional amendment, which consists of a sentence appended to the rule, will reduce by half the number of contact hours required for certain individuals' first renewal of registration.

The normal registration period for professional nurses runs for two years; it starts on August 1 and ends on July 31 two years later. Although registration can be issued at any time to accommodate the individual nurse, it must terminate on the designated July 31. As a result, a nurse's initial registration period may be as short as seven months or as long as 18 months.

A professional nurse must obtain the required number of continuing education contact hours during a "participation period" which roughly corresponds to the registration period. 7 MCAR § 5.1031 A.2. and A.3. The participation period starts on June 1 and ends May 31 two years later. If a nurse's report of continuing education participation is adequate, and the fee is paid, the nurse is granted registration for the subsequent renewal period which starts August 1 and ends July 31 two years later. Currently, professional nurses must report that they have collected 15 contact hours of acceptable continuing education each participation period. In 1982, professional nurses will have to earn and report 30 contact hours to qualify for registration renewal.

Obtaining 15, or even 30 contact hours, of continuing education does not seem to be an undue burden when a nurse is allowed a 24 month period for the endeavor. As indicated previously, however, the period for collecting continuing education contact hours ends two months prior to the end of the registration period. Consequently, some nurses who obtained registration late in the registration period are now obligated to obtain the full quota of contact hours in the brief span of a few months to qualify for their first registration renewal.

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The most severely disadvantaged nurses are those who obtain Minnesota licensure by interstate endorsement. Each year there are about 1000 RNs who obtain licensure by endorsement. These nurses can be unduly burdened by the Board's continuing education requirements because they generally migrate from states where continuing education is not required; only 12 states require continuing education requirements for nurse registration. As a result, the nurses moving into Minnesota probably have had minimal opportunity in their home jurisdiction to engage in learning experiences that would satisfy the requirements for acceptable continuing education activities as established by the Minnesota Board of Nursing.

Nurses who apply for Minnesota licensure by interstate endorsement are not compelled to report participation in continuing education activities to qualify for licensure. As an alternative they may certify that they have been employed as registered nurses during the two years prior to the application. About 75 percent of the applicants meet the recent employment qualification instead of the continuing education requirement. However, once licensed, this group experiences difficulty in collecting the required number of contact hours if they obtained their license late in the registration period. Under the current rule, these nurses must obtain 15 contact hours of continuing education within a few months. In 1982, the problem will grow worse as this same group will have to report that they have collected 30 contact hours within the same time span.

Two possible solutions are apparent: reduce the required number of contact hours; or, extend the participation period for persons obtaining a license within six months prior to the first day of the licensee's renewal period. If the participation period were extended, the initial registration period would have to be lengthened also because they are correlated. A longer initial registration period would cause the Minnesota Board of Nursing a loss of about \$19,000 per year in revenues. In addition, it would be disruptive to the Board's current functioning if several different dates were employed as termination dates for a renewal or participation period. Thus, the best solution and the most equitable and reasonable one is to reduce the number of contact hours required for persons obtaining a license within six months prior to the first day of the licensee's renewal period.

7 MCAR § 5.1031 B.

~~8.7.~~ Following each renewal date the Board may select a sample of licensees applying for registration renewal and require substantiation of participation in acceptable continuing education activities. Selected licensees shall submit in writing the following data obtained from each continuing education activity which verifies the information on the evidence form:

- a. ~~objective(s)~~ Objective or objectives of each continuing education activity;
- b. Verification received by the licensee of the number of contact hours and, for activities lasting four or more hours, a schedule listing time periods;
- c. Documentation of each instructor's qualifications, such as education and experience;
- d. Evidence that the licensee used the mechanism which was provided to determine if learning occurred. Acceptable methods may include but need not be limited to self-evaluation checklists or tests;
- e. Written verification received by the licensee of participation in each continuing education activity, provided by an instructor involved with the continuing education activity or a designee;
- f. The specific professional nursing content area to which each continuing education activity is related;
- g. in 1986 and thereafter, proof of compliance with ~~7 MCAR § 5.1031~~ A.4; and
- h. any additional documentation the Board deems necessary.

~~9.8.~~ If a licensee cannot demonstrate that ~~he/she~~ he or she has sufficient hours of acceptable continuing education activities, the number of hours lacking to comply for that continuing education participation period shall be added to the contact hours required in the immediately succeeding period. This rule may be applied once for any one licensee.

These rules are renumbered to compensate for a previous deletion and to maintain the sequence of the numbering.

7 MCAR § 5.1031 B.

9. A licensee who defers a number of hours of continuing education to the immediately succeeding period pursuant to 8. shall be required to submit with the next renewal application substantiation of participation in continuing education activities that provided the number of contact hours required for that participation period as well as the number of contact hours which were deferred from the previous participation period.

This new rule is proposed to permit the Board to monitor the continuing education reports of licensees who defer compliance with some or all continuing education requirements.



As a qualification for registration renewal, all registered nurses are required to report that they have collected a prescribed number of continuing education contact hours. Nurses who are unable to satisfy this requirement are allowed a single opportunity to defer the deficit hours to the next participation period. The nurses who are granted deferment are informed of the exact number of contact hours they must collect during the next participation period to erase the deficit and to satisfy the ongoing contact hour requirement. For example, in 1980, 339 registered nurses asked to defer at least 1 contact hour or as much as all 15 contact hours to the next participation period. Their requests were granted and their registrations were renewed for the 1980-82 period on their pledge that they would erase the deficit in 1982 and would comply with continuing education requirements hereafter.

Under ordinary circumstances it would be unlikely that the continuing education reports submitted by these 339 nurses in 1982 would be subjected to close scrutiny. At the time of mass registration renewal all continuing education reports are forwarded to the Board of Nursing where they are screened for completeness and accuracy of entries only. Proof of authenticity is not required. At a later date the Board audits the records of one percent of randomly selected nurses. Those nurses are the only ones required to submit proof of compliance with continuing education requirements. The new rule would require nurses who have deferred continuing education hours to submit substantiation of continuing education with their applications.

This rule is reasonable as a licensee who has defaulted in meeting a primary requirement for registration renewal should be subjected to closer scrutiny during the next renewal process. Noncompliance with continuing education rules is permissible once without jeopardy to the nurse's registration. A second incident of noncompliance would subject the nurse to more stringent measures. The 1:100 chance of being selected in the random sampling does not represent adequate surveillance of the continuing education activities of those nurses who have deferred compliance with continuing education requirements. The Board requires proof that the noncompliance has not been repeated. Proof can be obtained only through a planned audit of the licensee's continuing education records. The nurse requesting deferment should be informed that his/her records will be audited automatically during the next renewal process.



7 MCAR § 5.1031 B.

10. A licensee in noncompliance with ~~7 MCAR § 5.1031 A.2., 3., 4., and 8.~~ shall be subject to the conditions in ~~7 MCAR § 5.1031 B.8.7.~~ By this rule an audit shall be automatic for a nurse who has been found in an audit of the immediately preceding continuing education participation period to be in noncompliance with the rules.

This rule is amended to reflect the fact that the referenced rule has been renumbered.

~~7 MCAR § 5.1032 Delinquent status.~~

~~A. A registered nurse who fails to apply for registration renewal or request nonpracticing status or is in noncompliance with 7 MCAR § 5.1031 shall be deemed delinquent and shall not be entitled to practice nursing in Minnesota.~~

~~B. Whenever a licensee is placed in the delinquent status the Board shall mail a notice to the licensee's last known address which indicates the license status and the requirements for removal from such status.~~

~~C. Failure to fulfill the requirements for registration renewal of nonpracticing status within four years after being found delinquent in a hearing shall constitute unethical conduct and provide grounds for suspension or revocation of a license.~~

~~D. Before August 1, 1980, the registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:~~

~~1. submit a signed application;~~

~~2. pay a delinquent fee of \$4 for each year or part thereof during which the license was delinquent up to a maximum of \$40, the penalty fee, and the renewal fee for the current period; and~~

~~3. submit evidence of competency in nursing before becoming actively reregistered if the license has been in the delinquent status for five or more years. Such evidence may include any of the following which occurred within the five-year period prior to the submission of an application for a current renewal certificate;~~

~~a. employment as a registered nurse in another U.S. jurisdiction or foreign country;~~

~~b. completion of no less than one week of a refresher course;~~

~~c. participation in no less than 15 contact hours of nursing related education offerings;~~

~~d. participation in an orientation program at least one week in length conducted by an employer or potential employer; or~~

~~e. such other similar evidence the licensee chooses to submit.~~

~~E. On August 1, 1980, and thereafter each registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:~~

~~1. submit a signed application;~~

~~2. pay a delinquent fee of \$4 for each year or part thereof during which the license was delinquent up to a maximum of \$40, the penalty fee, and the renewal fee for the current period; and~~

~~3. submit evidence of meeting all requirements specified in 7 MCAR § 5.1031. Participation in continuing education activities shall have occurred during the two years prior to the submission of the application for registration renewal.~~

This rule is repealed to conform with the amendment to Minn. Stat. § 148.231, subd. 4 (1980). Minn. Laws 1981, ch. 94, § 4.

7 MCAR § 5.1033 ~~Nonpracticing status~~ Reregistration.

~~A. The Board shall change a registered nurse's license status to nonpracticing only at the end of a renewal period and upon receipt of a written request.~~

~~B. A licensee holding a current renewal certificate need not have met continuing education requirements to have his/her license placed in nonpracticing status.~~

~~C. A registered nurse holding a license which is in the delinquent status who applies for nonpracticing status shall pay all delinquent fees before such status shall be granted.~~

~~D. Before August 1, 1980, a registered nurse holding a license which is in nonpracticing status who applies for registration renewal shall:~~

~~1. submit a signed application;~~

~~2. pay the renewal fee for the current period; and~~

~~3. submit evidence of competency in nursing before becoming actively reregistered if the licensee has been in nonpracticing status for five or more years. Such evidence may include any of the following which occurred within the five year period prior to the submission of an application for a current renewal certificate.~~

~~a. employment as a registered nurse in another U.S. jurisdiction or foreign country;~~

~~b. completion of no less than one week of a refresher course;~~

~~c. participation in no less than 15 contact hours of nursing-related educational offerings;~~

~~d. participation in an orientation program at least one week in length conducted by an employer or potential employer; or~~

~~e. such other similar evidence the licensee chooses to submit.~~

~~E. On August 1, 1980, and thereafter, a registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:~~

~~A. The names of all nurses who do not return the renewal application, evidence form, renewal and penalty fees by November 1 of each renewal year shall be removed from the roster of individuals authorized to practice professional nursing during the current renewal period.~~

~~B. A nurse who applies for reregistration shall:~~

~~1. Submit a signed reregistration application;~~

2. Pay the renewal fee for the current period; and
3. Submit evidence of meeting all requirements specified in 7 MCAR § 5.1031. Participation in continuing education activities must have occurred during the 24 months prior to the submission of the application for ~~registration renewal~~ reregistration.

The title of the rule is changed and old Section A is repealed to conform with the terminology used in the amendment to Minn. Stat. § 148.231, subd. 5 (1980). Minn. Laws 1981, ch. 94, § 5.

The new 7 MCAR § 5.1033 A. is designed to identify how and when a registered nurse withdraws from registration. The rule also establishes a deadline for nurses to renew registration. After that date a nurse who wants to obtain registration must apply for reregistration.

The amendments to Minn. Stat. § 148.231 indicate that nurses need not request removal from the roster of nurses holding current registration. If a nurse returns the renewal application with fee and continuing education report, he or she will be renewed for the next registration period which starts on August 1. One might assume that a nurse who does not send any of the aforesaid forms to the Board does not want to renew registration for the next period and intends to withdraw from the practice of nursing as of August 1. However, an assumption of this nature may be erroneous. Past experiences indicate that many nurses simply forget to renew registration by July 31 and they usually correct the error in the next 3 months. For example, in 1978 the Board received 546 renewal applications in August, 198 in September, and 113 in October. The numbers of renewal applications received in the same three months in 1980 were comparable, i.e., 455 in August, 244 in September, and 221 in October. By November of each year only 70 to 80 renewal applications were received. Thus, the Board is proposing November 1 as the deadline date for renewal.

Renewing registration is a relatively uncomplicated process which can be completed fairly rapidly. If the procrastinating nurses are allowed to apply for registration renewal up to October 31 they and the Board will both realize some benefits. Usually the nurse will sign and return the same renewal application that was mailed to him or her earlier, complete the continuing education report, and send to the Board payment for the renewal fee and the customary late penalty fee. Thus, the nurse's registration can be restored without delay, because there is no



need for the Board and nurse to exchange a new set of forms, there are no additional clerical costs for the Board, and there are minimal mailing charges for the nurse and the Board.

Once a nurse's registration is removed from the roster of nurses holding current registration the process for regaining registration is more complicated. The nurse writes to request the special application, the Board's clerical staff initiates the application and sends it to the nurse for completion. The transaction is entered in a logbook and the correspondence is filed by clerical staff. The nurse, meanwhile, is required to provide actual evidence of participation in continuing education activities which may delay the submission of the application and could delay further the attainment of registration. The reregistration process is more costly in terms of time and effort for the nurse and the Board's clerical staff.

The new rule would allow registered nurses a three month grace period in which to renew registration. On November 1 those who have not renewed registration will have their names removed from the roster of nurses holding current registration. As of November 1 any nurse who requests registration for the current period will have to apply for reregistration.

Rules 7 MCAR § 5.1033 B. and C. are repealed to conform with the amendment to Minn. Stat. § 148.231, subs. 5 and 4, respectively. Minn. Laws 1981, ch. 94, §§ 5 and 4. Rule 7 MCAR § 5.1033 D. is repealed because the provisions of the rule expired on August 1, 1980, and thus, it has not been enforceable since that date. Rule 7 MCAR § 5.1033 C. is repealed to conform with an amendment to Minn. Stat. § 148.231, subs. 4 and 5 (1980). Minn. Laws 1981, ch. 94, §§ 4 and 5. New Rule 7 MCAR § 5.1033 B. is essentially old rule section 5.1033 E. relettered and reworded to conform to the amendment of Minn. Stat. § 148.231, subd. 5 (1980). Minn. Laws 1981, ch. 94, § 5.

7 MCAR § 5.1036 Verification of Minnesota license.

A. A registered nurse wishing to be licensed in another ~~U.S.~~ United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the board of nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country, ~~if the license is current or in the nonpracticing status.~~

B. ~~Licenses which are in the delinquent status will not be verified until the requirements are met which place the license in a current or nonpracticing status.~~

Ⓔ. The fee for verification of a license shall be ~~\$5.00~~ \$5 for each verification.

D.C. If a transcript is provided from the Board files for a nursing program which is no longer currently in operation, an additional fee of ~~\$3.00~~ \$3 may be charged.

The final phrase in 7 MCAR § 5.1036 A. is deleted to conform with amendments to Minn. Stat. § 148.231, subd. 5 (1980). Minn. Laws 1981, ch. 94, § 5. Rule 7 MCAR § 5.1036 B. is repealed to conform with amendments to Minn. Stat. § 148.231, subd. 4 (1980). Minn. Laws 1981, ch. 94, § 4. Old Rules 7 MCAR § 5.1036 C. and D. are relettered to compensate for the previous deletions and to maintain the sequence of lettering.

7 MCAR § 5.2031 Penalty. An applicant for renewal of registration, ~~except if in nonpracticing status,~~ shall pay a late penalty fee of \$4 as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

A clause is deleted to conform with Minn. Stat. § 148.294, subd. 3 (1980) as amended by Minn. Laws 1981, ch. 94, § 10.

~~7 MCAR § 5.2032 Delinquent status.~~

~~A. An applicant for renewal of registration, except if in nonpracticing status, who failed to reregister for the previous year or years shall pay a delinquent fee of \$4 for each year for which he/she has been delinquent up to a maximum of \$40 as well as the penalty fee of \$4 and the renewal fee for the current period.~~

~~B. The licensed practical nurse who has been in the nonpracticing status for five years or more must present evidence of competency in nursing before becoming actively reregistered. Such evidence, submitted on a notarized form, may include any of the following which occurred within the five year period prior to the application for a current renewal certificate.~~

~~1. employment as a licensed practical nurse in another U.S. jurisdiction or foreign country;~~

~~2. completion of no less than one week of a refresher course;~~

~~3. attendance at no less than 15 clock hours of nursing related educational offerings;~~

~~4. participation in an orientation program at least one week in length conducted by an employer or potential employer; or~~

~~5. such other similar evidence; and~~

~~such other evidence as the Board may reasonably require.~~

This rule is repealed to conform with Minn. Stat. § 148.294, subd. 2 (1980) as amended by Minn. Laws 1981, ch. 94, § 10.

7 MCAR § 5.2033 ~~Nonpracticing status~~ Reregistration.

A. ~~An applicant for nonpracticing status who failed to renew registration for the previous year or years shall pay a delinquent fee of \$4 for each year for which he/she has been delinquent up to a maximum of \$40.~~

B. The licensed practical nurse ~~who has been in the nonpracticing status~~ whose name has not been on the registration roster for five years or more must present evidence of competency in nursing before becoming ~~actively~~ reregistered. Such evidence, ~~submitted on a notarized form,~~ may include any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. Employment as a licensed practical nurse in another ~~U.S.~~ United States jurisdiction or foreign country;
2. Completion of no less than one week of a refresher course;
3. Attendance at no less than 15 clock hours of nursing-related educational offerings;
4. Participation in an orientation program at least one week in length conducted by an employer or potential employer; or
5. Such other similar evidence; and
6. Such other evidence as the Board may reasonably require.

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

The title of the rule is changed to conform with the terminology used in Minn. Stat. § 148.294, subd. 3, as amended by Minn. Laws 1981, ch. 94, § 10. Rule 7 MCAR § 5.2033 A. is repealed to conform with Minn. Stat. § 148.294, subd. 2, as amended by Minn. Laws 1981, ch. 94, § 10. Old Rule 7 MCAR § 5.2033 B. is relettered to compensate for the previous deletion. The first deleted phrase is reworded to conform with Minn. Stat. § 148.294, subd. 3, as amended by Minn. Laws 1981, ch. 94, § 10. The second phrase is deleted to be consistent with requirements enforced for other application forms. Old Rule 7 MCAR § 5.2033 C. is relettered to compensate for the previous deletion and to maintain the sequence of lettering. The first and second deleted phrases are reworded to conform with Minn. Stat. § 148.294, subd. 3, as amended by Minn. Laws 1981, ch. 94, § 10.

7 MCAR § 5.2036 Verification of Minnesota license.

A. A licensed practical nurse wishing to be licensed in another ~~U.S.~~ United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the board of nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country, ~~if the license is current or in the nonpracticing status.~~



B. ~~Licenses which are in the delinquent status will not be verified until the requirements are met which place the license in a current or nonpracticing status.~~

G. The fee for verification of a license shall be ~~\$5.00~~ \$5 for each verification.

D.C. If a transcript is provided from the Board files for a nursing program which is no longer currently in operation, an additional fee of ~~\$3.00~~ \$3 may be charged.

A phrase is deleted in 7 MCAR § 5.2036 A. to conform with Minn. Stat. § 148.294, subd. 3, as amended by Minn. Laws 1981, ch. 94, § 10. Rule 7 MCAR § 5.2036 B. is deleted to conform with Minn. Stat. § 148.294, subd. 2, as amended by Minn. Laws 1981, ch. 94, § 10. Old Rules 7 MCAR § 5.2036 C. and D. are relettered to compensate for the previous deletion and to maintain the sequence of lettering.

### III.

#### NEED FOR AND REASONABLENESS OF AMENDMENTS TO 7 MCAR § 5.2030

7 MCAR § 5.2030 Renewal of registration.

A. Each licensee is responsible for applying for renewal of registration if ~~he/she~~ he or she wishes to be employed as a licensed practical nurse in Minnesota in the coming year. The board issues renewal application forms to all current licensees and will renew registration upon receipt of receiving a signed application and the renewal fee. ~~Beginning with the 1978 renewal period, the annual fee shall be \$7.~~

B. Effective January 1, 1982, approximately one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1982, and one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1983. Thereafter, the renewal period for all licensees shall be 24 months in length, beginning January 1 and ending December 31. There shall be even-year renewal periods and odd-year renewal periods.

C. The renewal fee shall be \$15 per 24-month renewal period, effective January 1, 1982. Licensees whose registrations expire December 31, 1982, shall pay \$7.50.

~~B.D.~~ Individuals licensed for the first time within three calendar months prior to the first day of a renewal period shall not be required to meet requirements for that renewal period but shall be considered in good standing.

The proposed amendments to 7 MCAR § 5.2030 would change the length of the registration period for LPNs. Currently, LPNs are registered each year for a 12 month period. Renewing registrations is a detailed, expensive process. Repeating the process on an annual basis multiplies the expenses and expands the workload of the Board, yet contributes minimal benefit for LPNs.

If the registration period was extended to two years as proposed in the amendments to 7 MCAR § 5.2030 B. the Board would gain noticeable benefits. For instance, the work assignments associated with registration renewal could be

distributed over a two-year period thereby providing opportunity for more equitable concentration on other responsibilities. In addition, postage expenses incurred by the Board would be reduced. Currently, applications and certificates of registration are issued by the Information Services Bureau (ISB), Department of Administration. The charges levied by ISB for the services are a significant factor in the Board's budget. Postage fees for mailing the applications and certificates are heavy. In 1977 approximately 12,500 LPNs renewed registration; in 1980 about 16,000 LPNs renewed registration. Because the number of registered LPNs seems to be increasing, the Board would have to increase both its clerical staff and its work and storage space if it continued to register each of these licensees annually. It would, of course, also have to require a compensatory increase in fees.

Extending the registration period from 12 months to 24 months is by nature a mechanical change. There should be no deleterious effects on any licensee. Currently, the LPNs' registration begins on January 1 and expires 12 months later on December 31. The Board plans to retain the opening and closing dates of the registration period so the LPNs will experience minimal disruption of their customary practice of renewal. Furthermore the LPNs' registration dates avoid conflict with the registration renewal dates established for registered nurses.

In order to implement the two-year registration, the Board plans to divide, as evenly as possible, the licensees into two groups, each group scheduled to renew registration in alternate years. Assignment to a group will probably be based on license number. One group will consist of nurses whose license numbers end in odd numbers. The wother group will consist of nurses whose license numbers end in even numbers. As a result, each year about 8,000 LPNs would go through the registration renewal process, rather than the entire population of LPNs, which numbers about 16,000.


The proposed amendments to 7 MCAR § 5.2030 A. would delete the reference to an annual registration so that section A. conforms to section B. The signature of the nurse on the application is currently being requested. It constitutes a formal request for a registration status during the ensuing period and serves as identification. The sTatement of fee would be deleted from suction A. and moved to a new section C. Proposed 7 MCAR§ 5.2030 D. is merely old section B. relettered.

IV.  
FEE ADJUSTMENT

Pursuant to Minn. Stat. § 214.06, subd. A (1980) the Board is adjusting the LPN renewal fee from \$7.00 per 12-month registration period to \$15.00 per 24-month registration period. Minn. Stat. § 214.06 authorizes the Board to adjust its fees without a public hearing and, thus, the Board is not including 7 MCAR § 5.2030 C. as a proposed amendment. Nevertheless, the public should hereby be advised of this fee adjustment.

Dated: Oct. 15, 1981

BEFORE THE MINNESOTA  
BOARD OF NURSING

  
JOYCE M. SCHOWALTER  
Executive Secretary