

# House Research Act Summary

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## Overview

This act establishes regulations for the practice of advanced practice registered nurses, including clinical nurse specialists, registered nurse anesthetists, nurse midwives, and

nurse practitioners. It defines relevant terms in the Nurse Practice Act; establishes regulations for practice, including prescribing and dispensing drugs and therapeutic devices; specifies occupational titles to be used by these nurses; establishes additional grounds for disciplinary action; prohibits additional types of conduct; and makes other policy changes and conforming changes.

- 1 Nursing services.** Amends § 62A.15, subd. 3a. In a subdivision on coverage of nursing services by group health insurance policies or subscriber contracts, makes conforming changes to an occupational title and to the definition of "advanced practice registered nurse." Strikes the existing definition of "advanced nursing practice."
- 2 Definitions; title.** Amends § 148.171. Makes technical and conforming changes to existing definitions of terms in the Nurse Practice Act. Defines the following additional terms and specifies scopes of practice: advanced practice registered nurse; practice of advanced practice registered nursing; clinical nurse specialist practice; collaborative management; consultation; nurse-midwife practice; nurse practitioner practice; referral; registered nurse anesthetist practice; registered nurse, certified; prescribing; and prescription.
- 3 Powers.** Amends § 148.191, subd. 2. In a subdivision establishing the powers and duties of the Board of Nursing, directs the Board to keep a record of all persons licensed to practice professional or practical nursing, and a record of all Minnesota-registered nurses who are certified as advanced practice registered nurses.
- 4 Identification of certified registered nurses.** Adds § 148.233. Specifies the designations to be used, for personal identification and in documentation of services provided, by registered nurses certified in specialized fields of professional nursing and by advanced practice registered nurses

certified in specialized fields.

**Subd. 1. Registered nurse.** Requires a registered nurse who is certified in a specialized field of professional nursing to use the designation RN,C. Allows educational degrees and specialty fields to be added.

**Subd. 2. Advanced practice registered nurse.** Requires an advanced practice registered nurse who is certified as a clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, or certified registered nurse anesthetist to use the appropriate designation: RN,CNS; RN,CNM; RN,CNP; or RN,CRNA. Allows educational degrees and specialty fields to be added.

**5 Prescribing drugs and therapeutic devices.** Amends § 148.235. Specifies the circumstances under which advanced practice registered nurses can prescribe, administer, and dispense drugs and therapeutic devices.

**Subd. 1. Certified nurse-midwives.** In a subdivision allowing nurse-midwives to prescribe and administer drugs and therapeutic devices, strikes language establishing educational and certification requirements for nurse-midwives to be able to prescribe and administer, and instead requires them to be certified. Replaces the occupational title "nurse-midwife" with "certified nurse-midwife."

**Subd. 2. Certified nurse practitioners.** In a subdivision allowing nurse practitioners to prescribe and administer drugs and therapeutic devices within the scope of a written agreement with a physician, strikes language establishing educational and certification requirements for nurse practitioners to be able to prescribe and administer, and instead requires them to be certified. Replaces the occupational title "nurse practitioner" with "certified nurse practitioner." Strikes language that requires written practice agreements between nurse practitioners and physicians to be maintained at the nurse's place of employment and not filed with the Board of Nursing (subdivision 6 contains replacement language on this issue).

**Subd. 2a. Certified registered nurse anesthetists.** A new subdivision allows a certified registered nurse anesthetist who has a written agreement with a physician that defines delegated responsibilities to prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within the nurse's scope of practice.

**Subd. 3. Dispensing authority.** Strikes a subdivision allowing advanced practice nurses who are authorized to prescribe drugs to also dispense drugs. (This subdivision is replaced by a new subdivision 4b.)

**Subd. 4. Certified clinical nurse specialists in psychiatric and mental health nursing.** In a subdivision allowing clinical nurse specialists in psychiatric and mental health nursing to prescribe and administer drugs and therapeutic devices within the scope of a written agreement, strikes language establishing some of the nurse's educational and certification requirements. Allows a clinical nurse specialist to have a written agreement with any physician, not just a psychiatrist. Replaces the occupational title "clinical nurse specialist" with "certified clinical nurse specialist." Strikes language that requires written practice agreements between clinical nurse specialists and physicians to be maintained at the nurse's place of employment and not filed with the Board of Nursing (subdivision 6 contains replacement language on this issue).

**Subd. 4a. Other certified clinical nurse specialists.** Allows a certified clinical nurse specialist who has successfully completed at least 30 hours of formal study in specified subjects and who has a written agreement with a physician that defines delegated responsibilities related to prescribing drugs and therapeutic devices, to prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within the nurse's scope of practice.

**Subd. 4b. Dispensing authority.** Authorizes advanced practice registered nurses who can prescribe drugs to also dispense drugs, including receiving and dispensing sample drugs. Permits

them only to dispense drugs described in written agreements with physicians.

**Subd. 5. Rules.** Strikes language requiring the Board to promulgate rules regarding a system for identifying advanced practice nurses, a system for transmitting to pharmacists the identities of nurses eligible to prescribe, and fees for nurses who seek prescribing authority.

**Subd. 6. Standards for written agreements; review and filing.** Specifies that written agreements between nurses and physicians need not be filed with the Board of Medical Practice or the Board of Nursing. Makes conforming and technical changes.

**Subd. 7. Federal registration.** Requires an advanced practice registered nurse who applies to the federal Drug Enforcement Administration for a registration number to submit to the Board of Nursing (1) proof that the prescribing, administering, and dispensing requirements of this section are met and (2) a \$50 processing fee.

**6 Grounds listed.** Amends § 148.261, subd. 1. Modifies existing grounds for disciplinary action by making advanced practice registered nurses subject to the grounds for disciplinary action that apply to professional and practical nurses. Makes other technical changes to existing grounds. Adds the following as grounds for disciplinary action:

failure of an advanced practice registered nurse to practice with reasonable skill and safety, or failure to conform to acceptable and prevailing standards of advanced practice registered nursing;

practicing outside the specific field of nursing practice for which an advanced practice registered nurse is certified, unless otherwise authorized;

failure to inform the Board of any special certifications the person has;

engaging in a specialized nursing practice without current certification by a Board-approved national nurse certification organization, except during the period between the completion of a course of study and certification; and

engaging in conduct that is prohibited under section 145.412 (regulating the performance of abortions by physicians).

**7 Examination; access to medical data.** Amends § 148.261, subd. 5. Changes cross-references. Adds references to "advanced practice registered" nursing where there are references to professional or practical nursing, in a subdivision allowing the Board to order nurses to submit to examinations in certain circumstances and allowing the Board to obtain nurse medical data and health records for investigatory purposes.

**8 Forms of disciplinary action.** Amends § 148.262, subd. 1. Allows the Board to impose limitations on a nurse's practice of advanced practice registered nursing, as a form of disciplinary action.

**9 Licensed professionals.** Amends § 148.263, subd. 3. In a subdivision establishing reporting requirements for licensed health professionals, requires such professionals to report to the Board any conduct that indicates that a nurse may be unable to safely engage in the practice of advanced practice registered nursing.

**10 Insurers.** Amends § 148.263, subd. 4. In a subdivision establishing reporting requirements for insurers, requires insurers who provide professional liability insurance to advanced practice registered nurses to submit reports on malpractice settlements and awards to the Board.

**11 Exemptions.** Amends § 148.271. In a section listing conduct in which a person can engage without being licensed under the Nurse Practice Act, adds the following conduct:

advanced practice registered nursing practice by a registered nurse who is licensed in another state and who is in Minnesota as a student enrolled in a formal course of study; and

advanced practice registered nursing in a specialized field by (1) a registered nurse who is licensed and registered in Minnesota or another jurisdiction and who is enrolled as a student in a formal course of study leading to eligibility for certification as an advanced practice registered nurse; or (2) a registered nurse who is licensed and registered in Minnesota and has completed a course of study and is awaiting certification.

- 12 Violations described.** Amends § 148.281, subd. 1. In a subdivision listing unlawful conduct, makes it unlawful for a person or entity to:

  - practice as a certified clinical nurse specialist, certified nurse-midwife, certified nurse practitioner, or certified registered nurse anesthetist using a credential that was illegally or fraudulently obtained;
  - use any title or abbreviation that implies certification as a certified registered nurse, unless duly certified;
  - practice advanced practice registered nursing in a manner prohibited by the Board;
  - practice advanced practice registered nursing while a license or registration is suspended or revoked; and
  - knowingly employ a person in advanced practice registered nursing who does not meet the standards and practices for such nursing.
- 13 Unauthorized practice of professional, advanced practice registered, and practical nursing.** Amends § 148.283. Makes the practice of advanced practice registered nursing by an unlicensed person or by a person whose license, registration, or national credential has expired or been revoked, a public nuisance that can be enjoined by a district court.
- 14 Certification of advanced practice registered nurses.** Adds § 148.284. Prohibits a person from practicing advanced practice registered nursing or using a protected title unless the person is certified by a national certification organization. Specifies that this prohibition does not apply to an advanced practice registered nurse who is within a six-month period after completion of a course of study and is awaiting certification. Allows an advanced practice registered nurse who has finished a formal course of study and has been certified by a national certification organization by January 1, 1999, to continue to practice in the nursing field in which the nurse is practicing as of July 1, 1999 regardless of the type of certification held, if the nurse is not eligible for the proper certification.
- 15 Mental health professional.** Amends § 245.462, subd. 18. In the Adult Mental Health Act, amends the definition of "mental health professional" to include a registered nurse who is certified by a national nurse certification organization (current law specifies that the nurse must be certified by the American nurses association).
- 16 Mental health professional.** Amends § 245.4871, subd. 27. In the Children's Mental Health Act, amends the definition of "mental health professional" to include a registered nurse who is certified by a national nurse certification organization (current law specifies that the nurse must be certified by the American nurses association).
- 17 Transition.** Allows the Board of Nursing to grant extensions of up to three years, for purposes of obtaining proper certification, to a registered nurse who has completed a

formal course of study and is practicing as an advanced practice registered nurse but who

is (1) practicing in a field for which national certification does not exist or (2) eligible for certification but has not yet obtained it.
- 18 Revisor instruction.** Directs the revisor to alphabetize the definitions in the Nurse Practice Act and place them into subdivisions.

- 19 Repealer.** Repeals Minnesota Rules, chapter 6340 (rules regulating nurse practitioners, clinical nurse specialists, and nurse midwives).
- 20 Effective date.** Makes sections 1 to 17 effective July 1, 1999.