

House Research Act Summary

CHAPTER: 272

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TOPIC: Nurse overtime limits; license recognition for nurses from border states

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Overview

This act does two things. First, it requires the Board of Nursing to recognize nursing licenses issued from border states as valid to practice nursing in Minnesota. Second, it prohibits certain health care facilities from taking action against nurses who decline to work additional hours, if nurses so decline because working additional hours may jeopardize patient safety.

- 1 **License recognition for nurses from border states; reciprocity.** Adds subd. 2a to § 148.211. Paragraph (a) requires the Board of Nursing to recognize a nursing license issued by a state bordering Minnesota as valid to practice nursing in Minnesota, as long as the border state's licensure standards are substantially the same as Minnesota's, the nurse is not participating in a diversion program, and the nurse has not been denied a Minnesota nurse's license in the past. Paragraph (b) requires a nurse licensed in a border state to notify the Board within ten days of becoming employed by a health care facility or organization in Minnesota, if the nurse is practicing under a license from a border state. Directs the Board to keep a list of nurses from border states practicing in Minnesota. Paragraph (c) makes nurses practicing in Minnesota under border state licenses subject to Minnesota's laws and rules and the authority of the Board. Also authorizes the Board to recover from such nurses the cost of disciplinary proceedings. Requires the Board to report disciplinary action taken against such nurses to the nurse's licensing board in the border state. Paragraph (d) directs the Board to actively seek reciprocity of nurse licensure with border states.
- 2 **Grounds listed.** Amends § 148.261, subd. 1. Amends the grounds for disciplinary action that apply to nurses, to make it a ground for disciplinary action (1) for a nurse practicing under a license from a border state to fail to report employment in Minnesota to the Board; and (2) for a nurse to knowingly assist or allow a nurse practicing under a license from a border state to fail to make this report.

- 3 **Regulating nurses' overtime.** Adds § 181.275. Prohibits hospitals and other health care facilities from taking action against a nurse for declining to work additional hours, if the nurse so declines because working additional hours may jeopardize patient safety.
- Subd. 1. Definitions.** Defines terms for this section: emergency, normal work period, nurse, and taking action against.
- Subd. 2. Prohibited actions.** Prohibits hospitals and other health care facilities and their agents from taking action against a nurse solely because the nurse declined to work additional hours beyond the nurse's normal work period, if the nurse declines the assignment because working additional hours may jeopardize patient safety. Specifies that this prohibition does not apply to nursing homes, ICFs/MR, licensed boarding care facilities, and housing with services establishments.
- Subd. 3. Emergency.** Allows a nurse to be scheduled for duty or required to continue on duty for more than a normal work period in an emergency.
- Subd. 4. Exception.** Specifies that a violation of this section does not constitute a misdemeanor.
- 4 **Effective date.** Makes sections 1 and 2 effective January 1, 2003.