

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF NURSING

In the Matter of
Proposed Amendments to
Rules Relating to Licensure
Fees, Examinations, Continuing
Education for Professional
Nurses and Reregistration

STATEMENT OF
NEED AND
REASONABLENESS

7 MCAR § 5.1002 Application.

A.3. and B.3.

The original fee is reduced by the amount the RN candidate pays directly to the National Council of State Boards of Nursing (\$18.50) and rounded up to the nearest \$5. The amount is sufficient to cover expenditures anticipated during the Fiscal Year 1983 which are related to the licensure process.

The February 1983 examination will be the first to which this fee is applied.

Approval from the Commissioner of Finance has been received for all fee changes. Minn. Stat. § 214.06 (Supp. 1981) authorizes the adjustment of fees without a public hearing.

7 MCAR § 5.1004 Examination and Re-examination.

A.

Beginning with the July 1982 examination the State Board Test Pool Examination (SBTPE) with its five sections and five scores was replaced with a similar, but unified examination with a single score, the National Council Licensure Examination for Registered Nurses (NCLEX-PN). It is a national, standardized examination which meets the provisions of Minn. Stat. § 214.03 (1980) and is psychometrically sound. It is the only national examination available for nurse licensure and is developed and owned by the same organization which developed and owned the SBTPE, the National Council of State Boards of Nursing (NCSBN).

The new examination is scored by a method called criterion-referenced scoring, not by comparing one candidate's performance against the scores of all candidates who wrote the test (norm-referenced scoring). As a result, the scores are scaled, not

standardized, therefore the correct term should be used in this rule.

The NCSBN and the test service, CTB/McGraw Hill, have recommended that the cutting score established by the use of criterion-referenced procedure be adopted as the passing score in each state. That score is assigned the numerical value of 1600. With Minnesota using this score, Minnesota nurses will be able to obtain licensure easily in other states because the same score will be used in all states. The score of 1600 is not expected to result in major changes in the passing rate or the rank of Minnesota among the other states. For at least 25 years Minnesota has used the same passing score as was required in other states.

B., C. and E.

These rules are repealed because the rules are unnecessary. The NCLEX-RN does not have sections.

D.

Relettered, this rule becomes "B". An outdated reference to examination sections is deleted and the grammar has been improved. These revisions are necessary in order to reflect the format of the NCLEX-RN.

F.

Relettered, this rule becomes "C". An outdated reference to examination sections is deleted and an unnecessary word "first" has been removed. The changes are needed to bring the rule up-to-date.

G.

Relettered, this rule becomes "D".

The original fee is reduced by the amount the RN candidate pays directly to the National Council of State Boards of Nursing (\$18.50) and rounded up to the nearest \$5. The amount is sufficient to cover expenditures anticipated during the Fiscal Year 1983 which are related to the licensure process.

The February 1983 examination will be the first to which this fee is applied.

H.

Relettered, this rule becomes "E".

7 MCAR § 5.1021 Application.

This rule contains editorial changes made by the Revisor

of Statutes. The second paragraph proposes a fee change for foreign educated registered nurses which is identical to the change proposed for U.S. applicants in § 5.1002. The rationale is also identical.

7 MCAR § 5.1031 Registration Renewal.

This rule pertains to registered nurses only and contains editorial changes made by the Revisor of Statutes.

Section A.8. will be amended by adding an exception to the criteria which continuing education activities must meet in order to be considered acceptable. Experience with the rule as originally promulgated in 1977 has shown that criterion "c" (measurable objectives) and criterion "e" (a written method to assess learning) are frequently not included in programs presented by educational providers outside of Minnesota or by non-nurses. Nevertheless, the programs are usually timely, up-to-date, of interest to nurses and meet all other criteria.

This change is needed to allow nurses to use the educational activities in which they participate even though the activity does not meet all established criteria. It will be especially helpful to nurse practitioners and others who take advantage of programs offered by medical organizations. Because delegated medical functions are a part of most nurses' practice and an acceptable content area (criterion "a"), it is reasonable to facilitate participation by nurses in medical programs.

The current continuing education system which does not require advance approval of programs by the Board of Nursing has been very successful, particularly as it pertains to programs offered in Minnesota and/or by nursing organizations. However, the most common complaint about the system is that groups outside of Minnesota and non-nursing groups in Minnesota which have their continuing education activities approved by another health-related licensing Board frequently cannot be used by a nurse because criteria "c" or "e" are not met. Examples include activities approved by the Pharmacy Board, Nursing Home Administrators Board and Medical Board. This would allow use of such approved activities.

By retaining the rest of the criteria a measure of assurance as to the appropriateness to nursing and the quality of the program is provided.

7 MCAR § 5.1033 Reregistration.

B.3.

This rule pertains to registered nurses only. The change will allow nurses who were previously licensed in Minnesota but who

have not continued active Minnesota registration and have been employed in another state or in a Minnesota facility which does not require Minnesota licensure, to substitute employment references for the continuing education participation report. It is needed because these nurses are not required nor expected to meet continuing education requirements or to remain knowledgeable about the Board's requirements when they allow their Minnesota licenses to lapse. Yet experience has shown that nurses frequently move back to Minnesota or seek to change Minnesota employment from a Federal facility on short notice. They also expect to obtain employment quickly upon reregistration with the Board. The recent economic situation has made this problem more intense.

It is reasonable to substitute employment for continuing education participation for two reasons. First, continuing education is mandated for the purpose of assuring safe, competent practicing nurses. If a nurse is practicing in this manner, he/she will be able to obtain a satisfactory reference and the purpose is fulfilled. Second, the change is consistent with the requirements for nurses obtaining licensure in Minnesota by endorsement (7 MCAR §§ 5.1010 and 5.1011). Such applicants are required to provide a satisfactory employment reference (§ 5.1011 A.4.). However, if he/she has not been employed for the two years immediately preceding application, continuing education is required (§ 5.1010 C.2.).

7 MCAR § 5.2002 Application.

A. and B.

This rule applies to licensed practical nurse candidates only.

The original fee is reduced by the amount the LPN candidate pays directly to the National Council of State Boards of Nursing (\$18.50) and rounded up to the nearest \$5. The amount is sufficient to cover expenditures anticipated during Fiscal Year 1983 which are related to the licensure process.

The April 1983 examination will be the first to which this fee is applied.

Approval from the Commissioner of Finance has been received for all fee changes. Minn. Stat. § 214.06 (Supp., 1981) authorizes the adjustment of fees without a public hearing.

7 MCAR § 5.2003 Examination and Re-examination.

This rule applies to licensed practical nurse candidates only, and the rationale is the same as for § 5.1004 with two exceptions. The NCLEX-PN, like the SBTPE, is a single test with a

single score. However, the scoring method was changed from norm-referenced scoring to criterion-referenced scoring as was done with the NCLEX-RN. Therefore, it is necessary and proper to refer to the score as a scaled score.

The passing score is being changed from 400 to 350 because of the new scoring method. In the past the passing score was set 50 points above the score used by other states in order to keep the failure rate of Minnesota licensed practical nurses the same as the failure rate of Minnesota registered nurses. As a result, licensed practical nurses wishing to move to Minnesota and obtain licensure had difficulty. Because the Board has no data pertaining to passing rates on either the NCLEX-RN or the NCLEX-PN as scored with the criterion-referenced method it is reasonable to use the passing score of 350 which is recommended by NCSBN and the test service and is used throughout the country. The Board will monitor closely the performance of licensed practical nurses and will propose a change in the score as soon as data indicate the need for a change.

7 MCAR § 5.2021 Application.

This rule contains changes made by the Revisor of Statutes. The second paragraph proposes a fee change for foreign educated licensed practical nurses, which is identical to the change proposed for U.S. applicants in § 5.2002. The rationale is also identical.

7 MCAR § 5.2030 Renewal of Registration.

This rule applies to licensed practical nurses only. Section "D" will be replaced with a provision which extends the period between initial licensure and the payment for the first registration renewal period by a new Minnesota licensee from three to six months. In addition, the wording was changed by the Revisor of Statutes.

The substantive change is needed to make the licensed practical nurse requirements consistent with the registered nurse requirements found in §5.1031 B.6. It is reasonable to extend the period because the renewal period was recently changed from 12 to 24 months and the fee doubled accordingly. If the change were not made a new licensed practical nurse licensee would be required to renew registration and pay the \$16 renewal fee within three months after receiving the first Minnesota license, while a registered nurse would not have to renew registration and pay the renewal fee if he/she received the first license within six months.

7 MCAR § 5.2033 Reregistration.


This rule pertains to licensed practical nurses only. New section "A" is needed to specify the action taken by the Board when a nurse does not renew his/her registration. It conforms with

actual practice. The proposed change is reasonable because it conforms to a similar registered nurse provision in § 5.1033 A. A specific date is needed for administrative purposes and April 1 is reasonable because it is three months after the end of the renewal period, the same amount of "grace period" allowed registered nurses.

Dated: Nov. 1, 1982

STATE OF MINNESOTA

BOARD OF NURSING


JOYCE M. SCHOWALTER
Executive Secretary