

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA  
BOARD OF NURSING

In the Matter of Proposed Rules for  
Third Party Reimbursement of  
Certified Registered Nurse Anesthetists  
and Certified Nurse Midwives

STATEMENT OF NEED AND  
REASONABLENESS

Proposed rules 7 MCAR §§ 5.4000-5.4006 are needed in order for the Minnesota Board of Nursing (hereinafter "Board") to comply with the legislative mandate imposed on it in Minn. Laws 1983, Ch. 221, § 2, subd. 3a. These rules are promulgated under a statutory provision that the Board identify professional nursing organizations which have authority to accredit educational programs preparing nurses for advanced nursing practice, to establish a list identifying those organized educational programs fulfilling the criteria established by professional nursing organizations, and to set forth the procedures for inclusion on the list maintained by the Board.

**7 MCAR § 5.4001 Definitions.** Five definitions are needed in order to make specific certain terms used in the legislation requiring the rule. Each definition is consistent with the way in which the terms are used in other Board rules and within the nursing community.

A. Advanced Nursing Practice. This definition is reasonable inasmuch as it merely rephrases the terms used in the statute. It is needed so as to clarify to the public that only two of the many categories of advanced nurse practitioners are covered by the law and the rules: certified registered nurse anesthetists (hereinafter "CRNAs") and certified nurse midwives (hereinafter "CNMs").

B. Board. This definition is needed and reasonable for purposes of clarity and uniform understanding.

C. Professional Nursing Organization for Nursing Anesthetists. It is reasonable to specify the American Association of Nurse Anesthetists as the professional nursing organization for CRNAs because it is the only organization in the United States which serves this function. See Exhibit 1. It is necessary to name both the Council on Accreditation of Schools and the Council on Certification because these are the official bodies of the larger organization charged with the responsibility of establishing standards and granting and removing approval or certification. The Council on Accreditation and its predecessor committee have been listed by the U.S. Commissioner of Education as nationally recognized accrediting agencies since 1955.

As evidenced by Exhibit 2, attached hereto and made a part hereof, the eight standards for accreditation of nurse anesthesia educational programs/schools are: administrative policies and procedures, curriculum and instruction, records, faculty, administrative support, programs' self-evaluation, program enrichment, innovation and ethics. These standards are entirely consistent with the purpose of the Board in assuring protection of the public from unsafe, incompetent or unethical practitioners.

D. Professional Nursing Organization for Nurse Midwives. The American College of Nurse-Midwives is the only organization in the United States which accredits programs of study and certifies nurse midwives. See Exhibit 3. These activities are accomplished by two divisions and have occurred since 1975.

**7 MCAR § 5.4002 Criteria For An Inclusion On A List Of Programs Of Study.**

All programs of study for CRNAs and CNMs require the student to have successfully completed the course work for registered nurse licensure, and in most cases the student is expected to have already been licensed as a professional nurse in a U.S. jurisdiction. Because the law pertains to advanced nursing practice, it is reasonable to require that the programs identified by the Board have curricula that are extensions of the basic, generic nursing programs, and provide additional knowledge and skills through organized and recognized educational programs.

Accreditation of the programs of study in both anesthesia and midwifery has been commonplace since these advanced nursing fields have been recognized as requiring specialized study and clinical experience. Although this accreditation is voluntary, there have been no programs in Minnesota which have not sought and achieved accredited status from the associations.

**7 MCAR § 5.4003 How A Program Of Study May Demonstrate Compliance With the Criteria.** This rule is needed in order to establish a procedure for adding programs to the lists. It informs the public of the Board's specific requirements.

It is reasonable to require the submission of a curriculum and evidence of the program's accreditation status in order to determine compliance with 7 MCAR § 5.4002.

**7 MCAR § 5.4004 Maintenance Of Lists.**

A. List Updating. Because the accrediting process is an ongoing process, it is necessary to provide a means of adding new programs which meet the criteria and removing, as of a certain date, programs which do not. In order to

cause an advanced nursing practitioner as short of a delay as possible in receiving third party reimbursement, the Board will revise the lists at least twice a year. The Board will attempt to use the noncontroversial method of rule promulgation to update the list. In reviewing accreditation of new programs by the two professional nursing organizations referenced herein, it is clear that most new programs are accredited in January or July of any given year and appear on lists published by them at about the same time. The Council on Accreditation of Nurse Anesthesia Programs/Schools publishes and distributes a list of accredited programs each July, and the Division of Accreditation, American Council of Nurse Midwives publishes and distributes a list each August.

If the Board finds that more frequent changes or revisions of the lists are needed, it will initiate the rulemaking process as it deems necessary.

B. New Accreditations. This rule is necessary so that the Board may add to the list of programs those programs which have met the requirements of 7 MCAR § 5.4002, even though neither the specific program nor graduates of the program requested the inclusion of the program on the list. This rule will assure that CRNAs and CNMs coming into Minnesota from other states will not experience unnecessary delays in qualifying for third party reimbursement.

**7 MCAR § 5.4005 List Of Nurse Anesthesia Programs Of Study.** This rule, sections A-KK, lists every nurse anesthesia program of study in the United States which met the requirements proposed in this rule when the promulgation process was initiated in September, 1983. In addition, section R., Minnesota, references all programs and schools which were accredited or approved since February, 1965.

There are no records available from the organization or elsewhere prior to that date. It is necessary to include previously approved Minnesota schools because it is very likely the graduates of these programs are practicing in Minnesota and will seek third party reimbursement.

Some former Minnesota programs are included on the Board list although they may not be currently accredited by the professional organization because the program closed voluntarily or currently is accredited by the professional organization under a new name. In no case was accreditation ever withdrawn by a professional organization. It is necessary to reference such programs within the Board list since advanced nurse practitioners who graduated from the school accredited at the time of graduation should not be penalized and unable to participate in third party reimbursement because of subsequent events beyond the practitioner's control.

**7 MCAR § 5.4006 Listed Nurse Midwifery Programs Of Study.** This rule, sections A-U, lists every nurse midwifery program of study in the United States which met the Board's criteria when rule promulgation began in September, 1983. There are no current or former Minnesota programs other than the one listed in section K.

In summary, the Board believes that this set of rules is needed in order for it to fulfill its statutory mandate. The Board considers each rule as reasonable, fair and designed to enhance public protection, the ultimate purpose of the Board.

STATE OF MINNESOTA

BOARD OF NURSING

  
\_\_\_\_\_  
JOYCE M. SCHOWALTER  
Executive Secretary



*Exhibit 1.*



January 26, 1984

Joyce Schowalter  
Executive Secretary  
Board of Nursing  
717 Delaware Street, Southeast  
Minneapolis, MN 55414

Dear Ms. Schowalter:

I am pleased to accede to your request of January 24, 1984, relating to the accreditation of nurse anesthesia educational programs/schools.

The first accreditation program for nurse anesthesia educational programs/schools began in 1952, mandated by the members of the American Association of Nurse Anesthetists. This responsibility was delegated to the Accreditation Committee of the AANA.

In 1975, due to political and legal pressures, the Council on Accreditation of Nurse Anesthesia Educational Programs/Schools was formed with a bylaws change which granted the Council both fiscal and subject matter autonomy. At the present time, the Council on Accreditation of Nurse Anesthesia Educational Programs/Schools is the only body which accredits nurse anesthesia educational programs/schools and as such, is approved by the U.S. Department of Education, Office of Postsecondary Education.

I have recently received a copy of your proposed rules related to eligibility for third party reimbursement. As the list of accredited programs differs, how would you prefer notification? Presently, we prepare a new list of schools biannually for distribution.

The services of this office are available for further consultation.

Sincerely,

*Doris A. Stoll*

Doris A. Stoll, CRNA, MS.Ed.  
Executive Secretary  
Council on Accreditation  
of Nurse Anesthesia  
Educational Programs/Schools

Standards and Guidelines  
for Accreditation of Nurse Anesthesia  
Educational Programs/Schools  
1980

Standard I. Administrative Policies and Procedures

Programs of Nurse Anesthesia shall have current written organizational plans that delineate their functional structure, the policies within which they operate, the mechanisms for cooperative planning and decision making, and will maintain pertinent documentation of compliance with their own established policies and criteria.

Standard II. Curriculum and Instruction

The curriculum and instruction, didactic and clinical, of accredited programs shall reflect pursuit toward excellence in education of nurse anesthetists and the achievement of preset educational objectives and shall include, but not be restricted to compliance with minimum requirements as defined by the Council on Accreditation.

Standard III. Records

Programs of Nurse Anesthesia shall maintain accurate, cumulative records of all educational activities, committee minutes, and personnel actions related to students and faculty.

Standard IV. Faculty

Programs of Nurse Anesthesia must be staffed with adequate qualified faculty to assure program quality consistent with program objectives, effective student learning and patient safety.

Standard V. Administrative Support

Adequate administrative and logistical support shall be provided to the program of anesthesia to facilitate the efficient, effective operation of the educational activity.

Standard VI. Program Self-Evaluation

The conducting facility, in cooperation with the faculty of the program of nurse anesthesia shall provide for a continuous, self-evaluation of the program to assure educational excellence.

Standard VII. Program Enrichment and Innovation

Programs of Nurse Anesthesia shall monitor trends in nurse anesthesia practice and education and related trends impacting on nurse anesthesia and plan for the incorporation of enriching

or innovative experiences which have the potential to broaden and improve the quality of the educational product consistent with the purposes for which the profession exists.

Standard VIII. Ethics

Programs of Nurse Anesthesia shall be conducted within the ethical and moral standards defined by those professional groups (organizations, institutions, agencies or government boards, or other entities) having an impact on the individual program and on nurse anesthesia in general.





*Exhibit 3.*

# AMERICAN COLLEGE OF NURSE-MIDWIVES

1522 K Street, N.W., Suite 1120, Washington, D. C. 20005

202/347-5445

January 31, 1984



Joyce Schowalter  
Minnesota Board of Nursing  
717 Delaware Street S.E.  
Minneapolis, MN 55414

Dear Ms. Schowalter:

The statement which follows is a result of our telephone conversation on 12/25/84.

" The American College of Nurse-Midwives is the only national organization of nurse-midwives in the United States. The ACNM Division of Accreditation is the only body that accredits nurse-midwifery programs in the United States".

I hope this is sufficient. Please feel free to contact me should you have any further questions.

Sincerely,

*Judith Grant*  
Judith Grant  
Testing Coordinator