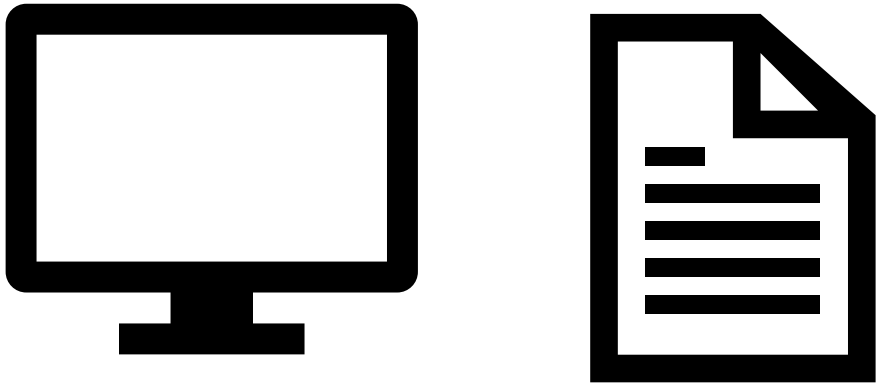
MINNESOTA
BOARD OF NURSING

Understanding Stipulation and Consent Orders

Kate Reimers, Compliance Specialist

Using this Resource

- This is a resource to help nurses review and understand the requirements of their Stipulation and Consent Orders.
- Review your Order side by side with this slide deck.
- If you are a nurse with a suspended license, and have questions about license reinstatement, please contact Kate Reimers, Compliance Specialist at (612) 317-3034 or kate.reimers@state.mn.us.



For Reference: Board Actions are Public Data

The Minnesota Board of Nursing is authorized to impose several actions on a nurse's license(s) when it has been determined that the nurse has violated the Minnesota Nurse Practice Act, and the Board has concluded such an action is necessary to protect the public.

Board actions include: Agreement for Corrective Actions, Findings of Fact, Conclusions, and Final Orders, **Stipulation and Consent Orders**, Stipulations to Cease Practicing Nursing, Orders for Automatic Suspension, Orders of Suspension, Orders for Temporary Suspension.

State law requires that all Board actions are publicly available.

- State statute 13.41, subdivision 5 is linked here.
- All actions are publicly available on the Minnesota Board of Nursing website here.
- Actions remain associated with a nurse's Minnesota licensure, even after all requirements have been completed.

Federal law requires that all Board actions be reported to National Practitioner Data Bank.

Find the information about MN statute 13.41, subdivision 5 in your Order.

This Resource has FIVE Sections

Click on any number to go to that section.

Section 1 – Sections of a Stipulation and Consent Order

Section 2 – Definitions

Section 3 – Common Requirements of a Stipulation and Consent Order

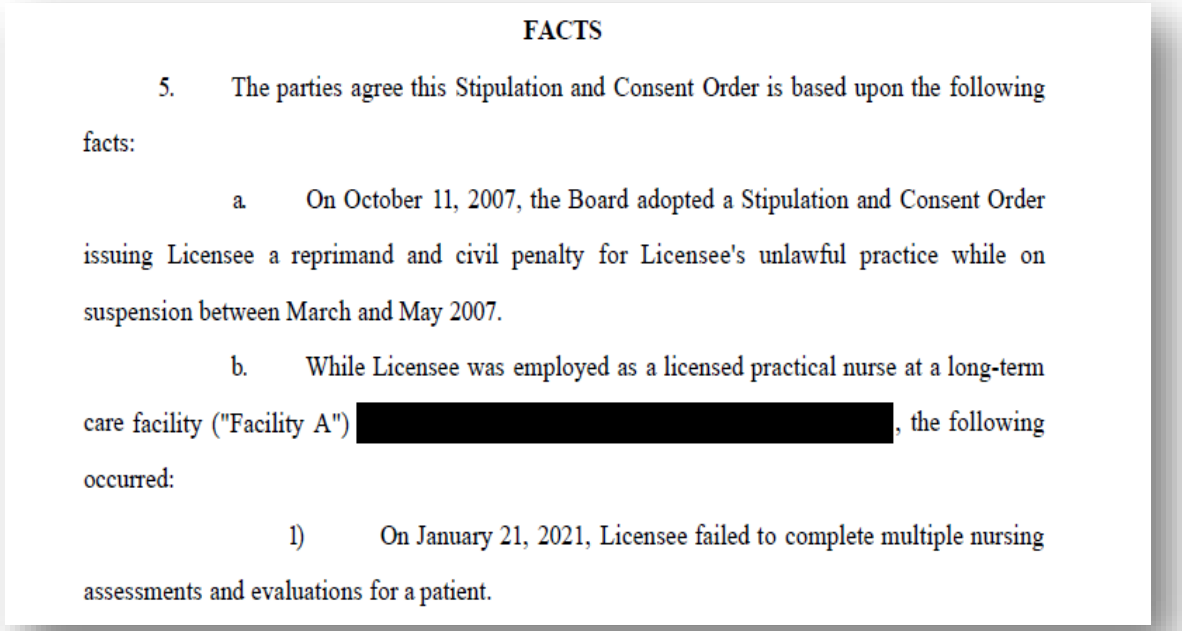
Section 4 – Submitting Requirements for a Stipulation and Consent Order

Section 5 – Expectations of a Nurse Under Order

Section 1 – Sections of Stipulation and Consent Order

Facts – This section explains the incidents where the nurse violated the Minnesota Nurse Practice Act.

Review the example below and find the **Facts** section in your Order.



FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On October 11, 2007, the Board adopted a Stipulation and Consent Order issuing Licensee a reprimand and civil penalty for Licensee's unlawful practice while on suspension between March and May 2007.

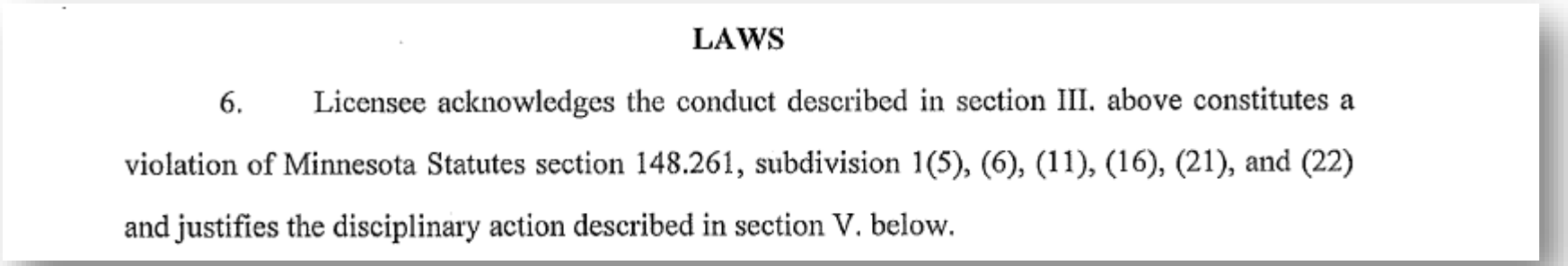
b. While Licensee was employed as a licensed practical nurse at a long-term care facility ("Facility A") [redacted], the following occurred:

1) On January 21, 2021, Licensee failed to complete multiple nursing assessments and evaluations for a patient.

Section 1 – Sections of Stipulation and Consent Order

Laws – This section outlines the nurse's specific practice act violation(s).

Review the example below and find the **Laws** section in your Order.



LAWS

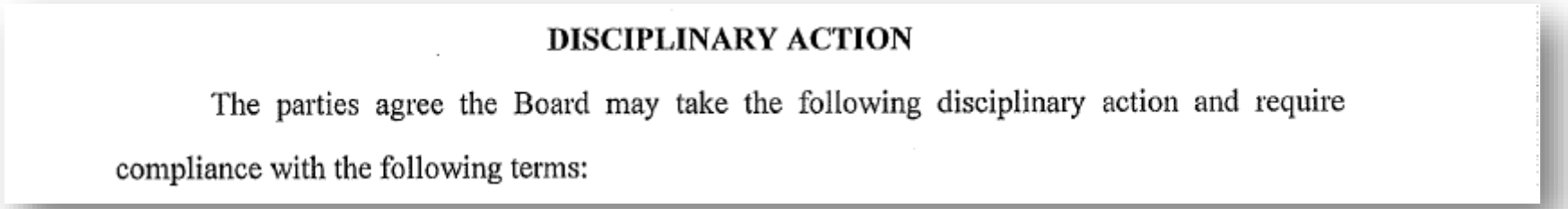
6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(5), (6), (11), (16), (21), and (22) and justifies the disciplinary action described in section V. below.

For reference – Grounds for Disciplinary Action under the MN Nurse Practice Act

Section 1 – Sections of Stipulation and Consent Order

Disciplinary Action – This section outlines the requirements that must be met by the nurse.

Review the example below and find the **Disciplinary Action** section in your Order.



DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

Section 1 – Sections of Stipulation and Consent Order

Consequences for Non-Compliance with or Violation of this Stipulation –
This section outlines the nurse's responsibility to follow and complete the requirements of the Order and steps the Board may take if a nurse fails to complete the Order requirements.

- Failure to complete the requirements of an Order constitutes failure to cooperate with the Board and is a violation of the Minnesota Nurse Practice Act.
- The consequences for violating any Board Action can be severe. The Board will open an investigation and may assign additional discipline to a nurse's license(s), which may affect a nurse's ability to practice nursing.

Find the **Consequences for Non-Compliance** section in your Order.

Section 2 – Definitions

Stayed Suspension – The nurse may keep working if they follow the requirements of the Order. If the nurse does not complete the requirements or violates the Order, their licensure may be suspended. A nurse with a suspended MN nursing license cannot work in nursing in Minnesota.

Limitations – The nurse's scope of practice – by role, setting, or duties – is restricted.

The nurse must complete specific requirements, such as working a set number of months, acquiring a required number of practice hours, or completing a course before limitations can be removed.

Nursing supervision is defined on the next slide.

Conditions – Requirements the nurse must complete or abide by.

Review the **Disciplinary Action** section of your Order to determine whether your nursing licensure is under a stay of suspension, limitations, and/or conditions.

Section 2 – Definitions

Under **Minnesota Statute 148.171**, *supervision* is defined as:
"…the guidance by a registered nurse in the accomplishment of a nursing task or activity. Supervision consists of monitoring, as well as establishing the initial direction, delegating, setting expectations, directing activities and courses of action, evaluating, and changing a course of action."

- If a Stipulation and Consent Order limits the nurse's practice and requires the nurse work under the supervision of an RN, the supervising RN must work onsite with the nurse. The supervising RN does not need to be physically at the nurse's side for all patient care; however, the supervising RN must be available to complete periodic evaluations of the nurse's practice.
- If a Stipulation and Consent Order requires reports from a nursing supervisor, the nurse must work under a designated nursing supervisor who is a registered nurse.

Review the **Disciplinary Action** section of your Order to determine whether the above limitation or condition is included.

Section 3 – Common Order Requirements

Review the **Disciplinary Action** section of your Order for your requirements.

Civil Penalty – A monetary fine.

- Payments must be made cashier's check or money order and submitted by mail or in-person to the Minnesota Board of Nursing Office.

Reports – The nurse must submit, or have reports submitted on their behalf, to the Board.

- Reports may be required from the nurse themselves, their nursing supervisor on their practice, a probation officer, and/or a treatment provider on their progress with treatment.

Evaluations – All evaluators must be approved by Board staff before a nurse completes an evaluation.

Supervisor Notification – Orders require nurses notify their supervisor of the Order within ten days of receiving the Order and within ten days of beginning new nursing employment. Nurses must show their supervisor a copy of the Order, which can be found on the Minnesota Board of Nursing website here.

Section 3 – Common Order Requirements

Review the **Disciplinary Action** section of your Order for your requirements.

Continuing Education – The nurse must complete courses on specific practice topics.

- Courses must be approved by Board staff before the nurse completes any courses.

One-on-One Nurse Consultation – The nurse must meet with a nurse consultant for instruction on specific practice topics. If a nurse is required to complete a consultation, the nurse will be provided a Board resource for locating a nurse consultant.

- A nurse consultant is different from a nursing supervisor. A nurse consultant is a nurse who specializes in educating nurses or employers on standards of nursing care and healthcare operations.
- All nurse consultants must be approved by Board staff before a nurse completes a consultation. This ensures the instruction addresses the nurse's concerning nursing practice.

Typed Report – The nurse must type a report on their learning from the continuing education or consultation, reflecting on the deficient practice outlined in the Facts section of their Order.

Section 3 – Common Order Requirements

Review the **Disciplinary Action** section of your Order for your requirements.

Participation in the Health Professionals Services Program ("HPSP") –

- Untreated or undertreated illness can put both patients and nurses at risk.
- The HPSP is a structured monitoring program for Minnesota health professionals whose physical, mental, or substance-related conditions may affect safe practice. The HPSP helps health professionals be accountable to needed treatment and recovery.
- The HPSP is a state agency separate from the Minnesota Board of Nursing.
  - Read more about the HPSP
  - Watch a short video about the HPSP
  - Review Minnesota Statutes related to the HPSP

Section 4 – Submitting Requirements

All information, reports, or documents should be sent directly by email to the Compliance Specialist for the Minnesota Board of Nursing.

Kate Reimers' email address is kate.reimers@state.mn.us.

For questions about your Stipulation and Consent Order, Kate Reimers can be reached at (612) 317-3034 or kate.reimers@state.mn.us.

Compliance Specialist Role:

- The Compliance Specialist for the Minnesota Board of Nursing monitors the nurse's completion of and compliance with the requirements of actions issued by the Board.
- The Compliance Specialist will provide verification when information has been received and when a requirement has been completed.
- The Compliance Specialist will alert the Board when the nurse fails to complete a requirement or is in violation of a Board action.

Section 5 – Expectations of a Nurse Under Order

Read the Order, and if needed, ask questions to ensure you can complete the requirements.

Complete requirements by the due dates.

- It is your responsibility that the Order requirements are met.
- If you are struggling to complete a requirement by the due date, please contact the Compliance Specialist about an extension.
- Again, the consequences for violating the requirements can be severe. The Board will open an investigation and may assign additional discipline to your licensure, which may affect your ability to practice nursing.

Update your contact information within ten days of a change to ensure the Board can reach you.

Section 1 – Sections of a Stipulation and Consent Order

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Section 5 – Expectations of a Nurse Under Order

Review again if needed