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Board of Nursing

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AT A GLANCE

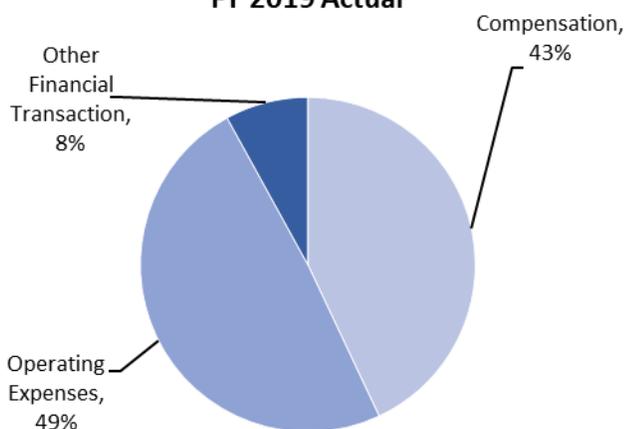
- 116,220 Registered Nurses
- 20,600 Licensed Practical Nurses
- 9,800 Advanced Practice Registered Nurses
- 21,500 Public Health Nurse Registrations
- 1,080 jurisdictional complaints
- 89 nursing education programs

PURPOSE

The Board of Nursing’s purpose is to protect the health, safety and welfare of the public in their receipt of nursing services. The Board carries out its mission by regulating nursing education, licensure and practice.

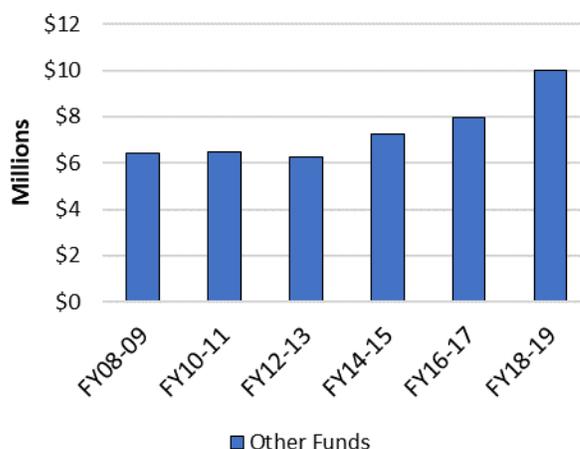
BUDGET

**Spending by Category
FY 2019 Actual**



Source: Budget Planning & Analysis System (BPAS)

Historical Spending



Source: Consolidated Fund Statement

The Board is funded by licensure fees and receives no general fund dollars. Minnesota Statutes section 214.06, subdivision 1(a) compels the Board to collect fees in the amount sufficient to cover direct and indirect expenditures. Funds are deposited as non-dedicated revenue into the state government special revenue fund. From this fund, the Board receives a direct appropriation to pay for agency expenses such as salaries, rent, costs associated with disciplinary/contested cases and operating expenditures. It also pays statewide indirect costs through an open appropriation. Fees have not been raised since 2001.

In addition to Board operations, licensure fees fund activities that support multiple boards and/or other agencies. Some of these are: the Administrative Services Unit (inter-board), Health Professionals Services Program (inter-board), HIV, HBV and HCV Prevention Program (Department of Health), Prescription Monitoring Program (Pharmacy Board), Office of the Attorney General for legal services, Criminal Background Check Program (inter-board), and the Voluntary Healthcare Provider Program (inter-board).

STRATEGIES

The Board of Nursing holds nurses accountable to legal, ethical, and professional standards. The Board achieves its mission of public protection by defining these standards and issuing licenses to practice nursing. Once a license is issued, the Board monitors licensees' compliance to state laws and takes action against the licenses of those nurses who have exhibited unsafe nursing practice and who present a risk of harm to the public.

The Board contributes to the State of Minnesota by:

1. Ensuring an ethical and competent nursing workforce by reviewing credentials and providing a legally defensible nurse license examination. The Board of Nursing licenses registered nurses, licensed practical nurses, and advanced practice registered nurses, and registers public health nurses to ensure that the individuals who practice nursing in Minnesota have the requisite education, competence, and ethical character to practice nursing safely and effectively.
2. Establishing and conducting a complaint investigation process that is expedient, just, and commensurate with the perceived risk to public safety. The Board investigates complaints and takes action against nurses who violate the Nurse Practice Act. This action includes removing nurses from practice who are a risk to patient safety and monitoring nurses whose practice requires remediation and oversight to ensure public safety.
3. Upholding nursing education standards through consultation and survey. The Board monitors program graduation pass/fail rates on the national nurse licensure examination; facilitates innovative approaches to address nursing workforce and nursing faculty shortages; provides consultation to nursing education programs regarding national nurse licensure examination (NCLEX®) pass rates; conducts research to promote a safe, competent and sufficient nursing workforce; and advises prospective nursing students regarding educational tracks and scholarships.
4. Analyzing and disseminating data for use in regulatory decisions. The Board provides employers and the public with verification of a nurse's authority to practice. Additionally, data is submitted to required national and federal databases and other county and state government agencies. The Board also participates in the collection of nursing workforce data to inform decision making related to educational planning, workforce development and emergency preparedness.
5. Collaborating in statewide initiatives on nursing practice, education and patient safety. The Board promotes standards of safe nursing practice by interpreting relevant laws and rules. The Board participates in nursing practice forums with nursing organizations and other state agencies to establish nursing performance guidelines for safe nursing practice so that employers and consumers can make informed decisions regarding the performance of nursing services.

RESULTS

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Licenses issued within 24 hours of meeting all requirements	5,950	5,900	FY2018 and FY2019
Quality	Public availability of data on nursing licensure and authority to practice <ul style="list-style-type: none"> • Online renewal display in real time • Online verifications of license 	64,500 650,000	656,000 650,000	FY2018 and FY2019
Quantity	Percent of all online licensure services	93%	94%	FY2018 and FY2019

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quality	<ul style="list-style-type: none"> • Average number of days to resolve complaints • Disposition of complaints 	129 1,152	158 961	FY2018 and FY2019
Quantity	Automatic verification service use	32,000	36,000	FY2018 and FY2019

Minnesota Statutes sections 148.171-148.285 (<https://www.revisor.mn.gov/statutes/?id=148.171>) provides the Board of Nursing with legal authority to regulate nursing practice for the purpose of public protection. Chapter 214 prescribes further authority related to investigations and discipline procedures of the Board and other health-related licensing boards. Chapters 13 (Government Data Practices), 14 (Administrative Procedures) and 15 (State Agencies in General) all provide guidance to the Board's operations.

Nursing, Board of

Agency Expenditure Overview

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base		Governor's Recommendation	
					FY22	FY23	FY22	FY23
<u>Expenditures by Fund</u>								
1201 - Health Related Boards	3,445	5,885	4,171	5,830	4,993	4,993	5,345	5,355
2000 - Restrict Misc Special Revenue	257	462	337	366	366	366	366	366
Total	3,701	6,347	4,508	6,196	5,359	5,359	5,711	5,721
Biennial Change				655		14		728
Biennial % Change				7		0		7
Governor's Change from Base								714
Governor's % Change from Base								7

Expenditures by Program

Nursing Board	3,701	6,347	4,508	6,196	5,359	5,359	5,711	5,721
Total	3,701	6,347	4,508	6,196	5,359	5,359	5,711	5,721

Expenditures by Category

Compensation	2,599	2,723	2,779	3,004	3,413	3,447	3,765	3,809
Operating Expenses	1,093	3,120	1,708	3,147	1,901	1,867	1,901	1,867
Capital Outlay-Real Property				30	30	30	30	30
Other Financial Transaction	9	504	20	15	15	15	15	15
Total	3,701	6,347	4,508	6,196	5,359	5,359	5,711	5,721

Full-Time Equivalent

	29.38	29.80	30.48	31.58	36.00	36.00	39.00	39.00
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Nursing, Board of

Agency Financing by Fund

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
1201 - Health Related Boards								
Balance Forward In		3,049		837				
Direct Appropriation	6,426	4,873	5,010	4,993	4,993	4,993	5,345	5,355
Open Appropriation	28							
Transfers In		40	15					
Transfers Out	1	388						
Cancellations		1,689	17					
Balance Forward Out	3,009		837					
Expenditures	3,445	5,885	4,171	5,830	4,993	4,993	5,345	5,355
Biennial Change in Expenditures				671		(15)		699
Biennial % Change in Expenditures				7		(0)		7
Governor's Change from Base								714
Governor's % Change from Base								7
Full-Time Equivalent	29.38	29.80	30.48	31.58	36.00	36.00	39.00	39.00

2000 - Restrict Misc Special Revenue

Balance Forward In		45	129	181	181	181	181	181
Receipts	302	500	390	366	366	366	366	366
Balance Forward Out	45	83	181	181	181	181	181	181
Expenditures	257	462	337	366	366	366	366	366
Biennial Change in Expenditures				(16)		29		29
Biennial % Change in Expenditures				(2)		4		4
Governor's Change from Base								0
Governor's % Change from Base								0

(Dollars in Thousands)

	FY21	FY22	FY23	Biennium 2022-23
Direct				
Fund: 1201 - Health Related Boards				
FY2021 Appropriations	4,993	4,993	4,993	9,986
Forecast Base	4,993	4,993	4,993	9,986
Change Items				
Staff Positions to Support the Safe Practice of Nursing		352	362	714
Total Governor's Recommendations	4,993	5,345	5,355	10,700
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Planned Spending	366	366	366	732
Forecast Base	366	366	366	732
Total Governor's Recommendations	366	366	366	732
Revenue Change Summary				
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Forecast Revenues	366	366	366	732
Total Governor's Recommendations	366	366	366	732
Non-Dedicated				
Fund: 1201 - Health Related Boards				
Forecast Revenues	5,943	5,943	5,943	11,886
Total Governor's Recommendations	5,943	5,943	5,943	11,886

Board of Nursing

FY 2022-23 Biennial Budget Change Item

Change Item Title: Staff Positions to Support the Safe Practice of Nursing

Fiscal Impact (\$000s)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Other Funds				
Expenditures	352	362	362	362
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	352	362	362	362
FTEs	3	3	3	3

Recommendation:

The Governor recommends a permanent increase to the Board of Nursing of \$352,000 in FY 2022 (7% increase), and \$362,000 in FY 2023 (7% increase) to add three staff positions to support the safe practice of nursing. The Board of Nursing’s base budget is \$4,993,000.

Rationale/Background:

The Board has an increasing need for legal support and advice, including complex data requests, interpretation of statutes and rules, litigation, subpoenas, and draft legislation and rules. While the Board receives legal services from the Office of the Attorney General (AGO) for disciplinary case matters, the Board does not have legal staff for the identified activities for agency operations. In FY 2020, the Board was engaged in two litigations (district and appellate) and one in FY 2019. In FY 2020 the Board responded to four complex data requests involving external litigation and two federal subpoenas, requiring the involvement of the AGO.

The Board receives approximately 1200 queries annually related to nursing practice issues, including scope of practice and application of the Nurse Practice Act in an everchanging health care delivery environment. Additionally, the Board receives requests for presentations to nursing groups, participation on statewide task forces, and consultation with nurses and employers. Board staff have declined requests for presentations and time for response to nursing practice issues has increased due to the overload to current nursing practice specialists. Another need is to interact with the public regarding expectations for safe and effective nursing care and how to make a complaint, when necessary. As the Minnesota nursing workforce has increased to approximately 140,000 licensed nurses, the number of requests from nurses and nursing organizations and for public education continues to increase. Nurses, employers and the public rightly expect the Board to respond to nurses, employers and the public in a timely and comprehensive manner.

The Board receives approximately 1200-1500 complaints annually; complaints are increasing in complexity requiring more investigation. A significant change in the delivery of health care is the shift from institutional facilities to the patient’s home, and the source of complaints (families) is reflective of the change in care delivery site. Home care patients, adults and children, are of greater vulnerability to financial exploitation, nurse drug diversion and physical abuse because of the lack of the controlled environment hospitals and nursing homes provide and the personal relationships and familiarity patients develop with their home care nurse.

Currently the Board has four nursing practice specialists that manage approximately 600-700 discipline cases annually. Each carries an average caseload of 150-175 cases, which increases the time for complaint resolution

and risk of harm. Most of the casework requires obtaining and reviewing employee, patient and criminal records. The high case load results in greater time between the receipt of the complaint and the resolution.

Proposal:

The Governor recommends three new positions to support the safe practice of nursing. The Board has enough reserves to fund the salaries for the new positions. The Board will absorb the additional operating costs, including equipment, hardware and software in the base budget. The Board is entirely fee supported and receives no general fund dollars. Fees must be collected sufficient to cover direct and indirect expenditures and deposited as non-dedicated revenue into the State Government Special Revenue Fund. The Board does not anticipate an increase to the nurse licensure fees, which have not increased since FY 2000.

- State Program Administrator Manager – The staff general counsel will serve as the subject matter expert in areas related to data practices and administrative rulemaking and will assist in development and implementation of policies, procedures and protocols related to the Board’s statutory mandates. This is a new position to support the Board’s compliance with state and federal requirements and data bases and public service expectations. The proposal to add a staff general counsel is supported by the Attorney General’s Office, which will continue to provide legal services for discipline pursuant to Chapter 214.
- State Program Administrator Manager, Senior – Adding the proposed Director for Nursing Practice will enhance responsiveness, including the development of educational strategies to support nurses and employers in providing safe and effective nursing care and inform the public of appropriate expectations and resolution when those expectations are not met. The Director for Nursing Practice will work with nursing organizations and health care systems through outreach, focus groups and task forces to develop effective strategies for the application of the Nurse Practice Act. This is a new position to support the Board’s current nursing practice program and enhance safe and effective nursing care by supporting nurses and employers through education and consultation. Public safety will be enhanced by decreasing the time to respond to queries; satisfaction with government will be increased by responding to the public, nurses and employers at the expected level of service.
- Investigations Specialist – This is a new position to improve the Board’s investigations of violation of the Nurse Practice Act and other laws related to the safe practice of nursing. The Investigations Specialist will secure and review records, seek additional information from a complainant and coordinate with the staff of the Attorney General’s Office to assure due process requirements. The proposal to add an Investigations Specialist will improve the Board’s program to secure investigative information necessary to process a complaint. Public safety will be enhanced by reducing complaint resolution time, including the removal of unsafe practitioners from the nursing workforce.

Impact on Children and Families:

The impact for children and families will be enhanced efficiency in bringing complaints to resolution and patient safety and welfare for consumers of nursing care, including the most vulnerable children and adults in homecare. Families will be supported by educational outreach to inform them on expectations for safe and effective nursing care and how to file a complaint.

Equity and Inclusion:

There will be no negative or disproportionate impact on protected groups. The increased appropriation will sustain the positions.

Results:

Staffing Position: Investigations Specialist

- Results: Public safety enhanced by reducing number and age of open cases and complaint resolution time, and increased efficacy to remediate or remove unsafe practitioners from nursing workforce.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Total</i>	<i>2019 % open >12 mo</i>	<i>2020 % open >12 mo</i>
Quantity	Reduce number of open cases annually	373	15%	24%

Staffing Position: Director of Nursing Practice

- Results: Enhance safe and effective nursing care by supporting nurses and employers through education and consultation. Increased public satisfaction with government services by meeting expected level of service.

<i>Type of Measure</i>	<i>Name of Measure</i>	Basic	Moderately complex	Complex and research needed
Quality	Respond to approximately 1200 inquiries regarding nursing practice annually	1-2 business days	2-4 business days	Stakeholder engagement and requestor notified of date expected

Staffing Position: Staff General Counsel

- Results: Agency meets statutory compliance.

<i>Type of Measure</i>	<i>Name of Measure</i>	Timeliness	Government data protected
Quality	State and federal time and classification requirements for data requests and rulemaking	100%	100%