



**Minnesota Hospital Association**

2550 University Ave. W., Suite 350-S  
St. Paul, MN 55114-1900

phone: (651) 641-1121; fax: (651) 659-1477  
toll-free: (800) 462-5393; [www.mnhospitals.org](http://www.mnhospitals.org)

August 15, 2014

*Via email: [shirley.brekken@state.mn.us](mailto:shirley.brekken@state.mn.us)*

Ms. Shirley Brekken  
Executive Director  
Minnesota Board of Nursing  
2829 University Ave. S.E., Ste. 200  
Minneapolis, MN 55414-3250

Dear Shirley:

The Minnesota Board of Nursing has had to address high-profile issues over the past several months. Unfortunately, I must bring another potentially high-profile issue to your attention, involving patient safety, the Nurse Practice Act and union politics.

The Minnesota Nurses Association (MNA) has disseminated a form that it created called the "Concern for Safe Staffing Form," which can be found at <http://cfss.mnnurses.org/>. The union is urging its members to complete as many of these forms as possible so they can be used as a political prop in the union's attempt to convince legislators that our hospitals are unsafe. The language in the form and the union's communications to its members may create the misleading impression that sending this form to the union satisfies nurses' reporting obligations under state law. An example of the union's communications can be found at <http://mnablog.com/2014/08/08/standing-up-for-safe-patient-care-just-got-easier/>. The MNA's electronic form is accompanied by an automated process that generates a pre-written form letter for the nurse to send to state legislators.

The Minnesota Hospital Association (MHA) has emphasized to the MNA that its form and communications may induce nurses to violate their statutorily mandated reporting obligations. State law requires nurses to report instances in which "the delegation of a nursing function . . . could reasonably be expected to result in unsafe or ineffective patient care" to the Minnesota Department of Health's Office of Health Facility Complaints. Minn. Stat. sec. 148.261, subd. 1(8). Failure to fulfill these reporting obligations constitutes grounds for disciplinary action by the Board, as well as civil penalties. See Minn. Stat. sec. 148.261, subd. 1; sec. 148.263, subd. 7.

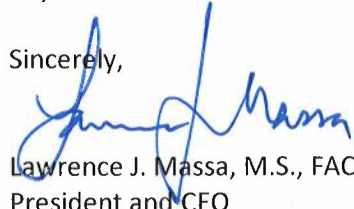
Legislators might send copies of these computer-generated form letters to the Board. If so, or if the Board has other evidence that nurses are not fulfilling their statutory reporting obligations, MHA expects that you will take appropriate steps to allow hospitals and the Department of Health to investigate the alleged concerns, and to discipline individuals who failed to fulfill their statutory reporting obligations.

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MHA appreciates the important role the Board plays in protecting patients and ensuring that nurses communicate patient safety concerns to their supervisors and state regulators through appropriate processes. Health care providers and our patients depend upon nurses to bring legitimate patient safety concerns to light so that any issues can be addressed as quickly as possible.

If you have questions or would like to discuss these issues further, please feel free to contact me anytime.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lawrence J. Massa".

Lawrence J. Massa, M.S., FACHE  
President and CEO