

MINUTES OF THE MEETING  
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE  
MONTANA STATE SENATE

FEBRUARY 16, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Monday, February 16, 1981 at 12:30 in Room 108 of the State Capitol Building.

ROLL CALL: All members were present. Senator Johnson arrived late. Kathleen Harrington, staff researcher, was also present.

Many, many visitors were in attendance. (See attachments.)

CONSIDERATION OF SENATE BILL 406: Senator Matt Himsel of Senate District 9, co-sponsor of SB 406, gave a brief resume. This bill is an act to reestablish the Board of Cosmetology under existing statutory authority and rules and to generally revise the cosmetologist licensing laws; modifying the board makeup; requiring an annual inspection of cosmetological facilities; eliminating the one-year experience requirement for a manager-operator; deleting some exemptions from licensing; providing for reciprocal licensing for manager-operators; removing the public employees exemption from licensure as an electrologist; and providing an immediate effective date.

Senator Himsel states that a public member has been added to this board. He then took the Committee through the bill section by section.

Alex Hanson, representing the Montana Cosmetologist Association, stated that he is appearing before the Committee representing 1,000 members of his organization who all support this bill and urge for its passage.

With no further proponents, Chairman Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Hearing none, Senator Himsel closed. He stated that he appreciated the support of so many, many people. Senator Himsel then asked the Committee for a favorable recommendation on this bill.

DISPOSITION OF SENATE BILL 406:

A motion was made by Senator Olson that Senate Bill 406 receive a DO PASS recommendation from the Committee. Motion carried unanimously.

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CONSIDERATION OF SENATE BILL 425: Senator Matt Himsel of Senate District 9, sponsor of SB 425, gave a brief resume of the bill. This bill is an act to abolish the Board of Radiologic Technologist and transfer licensing and regulation of radiologic technologists to the Department of Health and Environmental Sciences; continuing existing requirements for licensure; providing for transfer of funds and records; and providing an effective date.

This bill abolishes the Board of Radiologic Technologists and transfers the licensing and regulation of the technologists to the Department of Health by:

- 1) Section 1 transfers functions
- 2) Section 2 changes definition
- 3) Board is changed to department throughout the bill.
- 4) Section 15 transfers funds and records.

The present requirements for licensure are continued.

The sections that are repealed are:

- 1) 2-15-1614 - creating the Board of Radiologic Technologists.
- 2) 37-14-201 - compensation of the Board and
- 3) 37-14-312 - licensure by demonstration of proficiency.

Senator Himsel stated that he hoped the Committee would see the logic of abolishing the Board.

There were no proponents to the bill. Chairman Hager then called on the opponents.

James Winter, a rad tech from Great Falls, stated that he is opposed to abolishing the Board of Rad Techs. The people being affected by a license should have some representation when rules and regulations are set up governing them. The general public is best protected by having professionals setting the rules and regulations.

Phil Harstin of Missoula, representing the Board of Rad Techs, stated that he felt a board is necessary to help implement the law. Without a board that is in part made of rad techs who are familiar with the area of x-ray, there would be no one completely familiar with the problems that arise. The Department of Health and Environmental Sciences is not funded or staffed to take over this responsibility. Mr. Harstin asked the Committee to please oppose this bill.

Duance Durkee, a rad tech from Helena, stated that he concurred with the other two who spoke ahead of him.

With no further opponents, Senator Himsel closed. He stated

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He stated that of 180 facilities visited, 26 individuals were operating without a license or permit. He stated that it is not necessary to have a separate board. This inspection could be done when the equipment is inspected and thus would eliminate duplication.

The meeting was opened to a question and answer period from the Committee.

Senator Johnson asked Scott Secat from the Legislative Auditors Office if he felt the DHES could do a better job. Mr. Secat stated that he could see no need for duplication as we have at the present time.

Senator Norman stated that the problem is that this does not get rid of the permit system.

Senator Halligan asked why there is a need to abolish the board when it is going to cost more for the same coverage. Senator Himsel stated that the board has not done anything of late.

Senator Johnson asked if the Department of Health only inspects the xray machines. This is the case at the present time.

Senator Berg stated that as he sees it, this would not change the requirements of a rad tech.

Senator Olson stated that the rural areas need protection also.

CONSIDERATION OF SENATE BILL 392: Senator Matt Himsel of Senate District 9, co-sponsor of Senate Bill 392, gave a brief resume of the bill. This bill was introduced at the request of the Legislative Audit Committee.

This bill terminates the Board of Podiatry Examiners and transfers regulation of Podiatrists to the Board of Medical Examiners.

Section 1 is a licensed podiatrist is added to the Board of Medical Examiners.

Section 2, changes the definition of "board" from the Board of Podiatry to the Board of Medical Examiners.

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Section 3 eliminates the reference to the Board of Podiatry. Section 4 removes the statutory passing grade in examinations. Section 5 reduces the penalty for violation of the act from a felony to a misdemeanor.

Section 6 and 7 transfer the funds and records of the board and provide that current rules will be retained until amended or repealed by the Board of Medical Examiners.

There were no proponents to this bill.

Chairman Hager then called on the opponents.

Jerome Loendorf, representing the Montana Medical Association stated that he would like to see the bill amended on page 2, line 14, to be deleted from the bill.

Dr. Loren Rodgers, representing the Board of Podiatry, spoke against the bill. He stated that members of the podiatry profession must have a premedicine program before entering prodiatry school. Their workload is small, however, very important.

Dr. M. P. Hammil stated his opposition to the bill. He stated that there was a 41% increase of podiatrist license in Montana last year.

Dr. John McMahon, representing the Montana Medical Association, stated that he agrees with everyone else who spoke ahead of him. He also stated that would suggest that they should charge more money for a license fee.

With no further opponents, Senator Himsel closed. There are 20 people in our state at the present time that this bill would affect. He stated that the public should be protected and a a delivery of quality health services should be most important and with cooperation on everyones part.

The meeting was opened to a question and answer period from the Committee.

Senator Norman asked if there is adequate money to operate the present board. Senator Himsel stated that there is not a dollar figure available, however, 20 licenses cannot generate much money.

Scott Secat reported that the majority of the board operate on a budget of between \$20 and \$30 thousand dollars. The Board of Podiatry operates on a budget of \$1,400.

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CONSIDERATION OF SENATE BILL 366: Senator Joe Mazurek of Senate District 16, chief sponsor of SB 366, gave a brief resume. This bill is an act to reestablish the Board of Podiatry under existing rules and statutory authority; to provide one public member to replace one podiatry member on the board; to generally revise and clarify the podiatry law; and providing an immediate effective date.

This bill was requested by the Department of Professional and Occupational Licensing.

Section 3 replaces a podiatrist on the Board with a public member.

Section 4 deletes "chiropody" from the definition of podiatry.

Section 5 allows a licensed podiatrist to administer and prescribe drugs.

Section 6 says that a person may not advertise as a physician and surgeon of the foot" without obtaining a podiatrist license.

Senator Mazurek offered some written testimony with fact sheets for the Committee to study.

Brian Zinns, representing the Montana Hospital Association, stood in support of the bill.

Dr. Loren Rodgers, representing the Board of Podiatry, stood in support of the bill. He stated that there is a total of 34 licenses renewed each year with 20 active practitioners in the state. The Board of Medical Examiners supported legislation in 1977 that created a separate Board of Podiatry Examiners. This bill would increase the fees to be commensurate with the cost of operating the board.

Dr. M. P. Hammil stated that he supported the bill for the reasons already given.

With no further proponents, the Chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee. Hearing none, Senator Mazurek closed.

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CONSIDERATION OF SENATE BILL 396: Senator Steve Brown of Senate District 15, chief sponsor of SB 396, gave a brief resume of the bill. This bill is an act to eliminate reference to the Board of Massage Therapists and providing an effective date.

Senator Brown stated that this bill was introduced at the request of the Legislative Audit Committee.

There were no proponents to the bill.

Chairman Hager called on the opponents.

Ed Carney from the Department of Professional and Occupational Licensing, stated that HB 636 reestablishes the Board of Massage therapist. He handed out statements from 500-600 people who are interested in seeing that this board is reestablished. The present board is doing a good job in an economical way. It meets twice a year. This is also a moral issue. At the present time we have Montana style massage parlours, however, Mr. Carney stated that he feared without this bill Montana would end up having California style massage parlous.

Tom Honzel, representing the County Attorneys, stood in opposition to the bill.

The meeting was opened to a question and answer period from the Committee.

Senator Brown closed stating that after an eighteen month study that the Legislative Committee had come up with the recommendation of eliminating the Board. He stated that he hoped that the Committee would see their reasoning.

CONSIDERATION OF SENATE BILL 427: Senator Steve Brown of Senate District 15, chief sponsor of SB 427, gave a brief resume of the bill. This bill is an act to reestablish the Board of Nursing under existing statutory authority and rules and to generally revise the laws relating to licensure of nurses; modifying board makeup; providing for staggered 4 year terms for board members; revising definitions of nursing; authorizing temporary nursing permits; providing for a late renewal fee; and providing an immediate effective date.

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This bill was requested by the Legislative Audit Committee.

Section 3 changes the membership of the board. It will be -

- (a) 4 registered nurses who are licensed registered professionals with 5 years experience in nursing.
  - (i) one will have 5 years experience in administration, supervision or teaching;
  - (ii) one will be currently engaged in administration, supervision or teaching.
- (b) 3 practical nurses currently practicing and have been doing so for 3 years .
- (c) two public members who are not medical practitioners or involved in nursing.

The members will serve 4-year-staggered terms.

Section (4) eliminates the dual functions of the board (professionals vs practical nursing).

The definitions of professional and practical nursing are changed in (3) (a) and (3) (b).

Section 5. (1) (d) substitutes "nursing education programs" for references to schools of nursing, approved courses or graduates awaiting final examinations.

Section 6 deletes reference to "each administration". It is an unnecessary reference to the changes in state leadership.

Section 7 eliminates the references to the dual administrative functions of the Board.

Section 8 changes the references to schools of nursing to nursing education programs and provides for the adoption of rules to prescribe contents of the programs.

Section 9 provides for a periodic review of the education programs by the Department of Occupational Licensing.

Section 10 states that the Board rather than the department will be responsible for licensing and examination of registered professional nurses.

Section 11. The Board may issue a license to a registered professional nurse who has been licensed in another state.

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Section 12 eliminates reference to the prior dual function of the board.

Section 13 states that a practical nurse must graduate from an approved practical nursing education program and meet other requirements prescribed in rules.

Section 14 allows the Board to use a nationally standardized examination for practical nurse licensure.

Section 15 allows the Board to license a practical nurse who was licensed in another state.

Section 16 allows the Board to establish a reasonable late fee for licensees who fail to renew their license on the renewal date.

Section 17 eliminates the reference to "guilty of a crime or gross immorality" for denial of a license.

Section 18 eliminates reference to the prior dual nature of the board.

Section 19 allows the board to issue a temporary work permit for;

- (1) applicants for licensure by endorsement
- (2) graduate nurses waiting for exam results

The board will adopt rules for issuance of the temporary permits.

Carol Janinski, a Licensed Practical Nurse from Havre, stated that she had been a member of the Task Force which studied this board. Current law provides for a dual administration and dual functions of the board. This law provides that all members work together as a single administration. Registered nurses and licensed practical nurses work closely together in their professions and it makes sense and is more efficient to have them work as a single administration on board business. This bill benefits the nursing profession and the general public. She then asked for the support of the Committee for the bill.

Donna Small, a registered nurse from Billings and also a lobbyist for the Montana Nurses' Association, stated that there has not been a major change in the practice act of nurses since 1913. She offered two amendments which are attached with the testimony for the Committees review. (See attachments.

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Mrs. Small asked the Committee's indulgence in considering the offered amendments. The nurses had opted to work with the Committee Bill rather than submitting an alternative bill for consideration.

Ruth Vanderhorst, a member of the Task Force which studied the Nurse Practice Act, stated that the citizens of Montana need a Board of Nursing which is composed of knowledgeable informed persons who can administer the Nurse Practice Act. The development of standards for nursing education programs; the review and approval or non-approval of those programs; the regulation of technical and professional practice; the hearing of complaints and recommendations of appropriate disciplinary action; the review of applicants for licensure by endorsement from other states; and the participation in development of the licensure examinations demands a Board of Nursing composed of a reasonable number of experienced professional nurses. Mrs. Vanderhorst offered amendments for the Committee's review. (See attachments.) She then asked the Committee to accept SB 427 with the amendments suggested in the interest of the people of Montana.

Janie Cromwell, president of the Board of Nursing, stood in support of the bill. She also offered amendments for the Committee to review. Mrs. Cromwell also handed in written testimony. (See attachments.)

Chad Smith, representing the Montana Hospital Association, stood in support of the bill. However, Mr. Smith offered some amendments also which he stated that the Nurses Association had asked him to submit.

Jerome Loendorf, representing the Montana Medical Association stood in support of the bill if it could be amended. Mr. Loendorf offered amendments to be reviewed. (See attachments.)

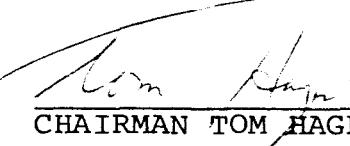
Mr. Jack McMahon, representing the Montana Medical Association stood in opposition to the bill. He stated that there are several different types of nurses to consider. He stated that he would like to see the bill amended to include the old definition of nurse rather than the new definition, as the old definition has already been established by the courts.

With no further proponents or opponents, Senator Himsel closed. He stated that all the different groups have been working on this concept for the past 18 months and he thought that the problems had all been worked out. Evidently some elements are not satisfied. Senator Himsel then asked the Committee for a favorable recommendation on this bill.

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ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Wednesday, February 18, 1981 at 12:30 in Room 410 of the State Capitol Building.

ADJOURN: With no further business the meeting was adjourned.

  
\_\_\_\_\_  
CHAIRMAN TOM HAGER

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**ROLL CALL**

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date Feb. 14

Each day attach to minutes.

DATE

COMMITTEE ON

## VISITORS' REGISTER

# STANDING COMMITTEE REPORT

..... FEBRUARY 16 ..... 1931 .....

MR. .... PRESIDENT: .....

We, your committee on ..... PUBLIC HEALTH, WELFARE & SAFETY .....

having had under consideration ..... SENATE ..... Bill No. .... 406 .....

Respectfully report as follows: That ..... SENATE ..... Bill No. 406 .....

DO PASS

*Pa.*

STATE PUB. CO.  
Helena, Mont.

SENATOR TOM HAGER

Chairman.

NAME: Alec House DATE: 7-15

ADDRESS: 148 Bloor St., Unit - 401

PHONE: 503-227-5000

REPRESENTING WHOM? Christopher Columbus, Inc.

APPEARING ON WHICH PROPOSAL: 513

DO YOU: SUPPORT? ✓ AMEND? ✓ OPPOSE?

**COMMENTS:** \_\_\_\_\_

NAME: James Whiter DATE: 2-16-81

ADDRESS: 1426 6<sup>th</sup> Ave North Edmonton, Mont.

PHONE: 761-7465

REPRESENTING WHOM? SEF

APPEARING ON WHICH PROPOSAL: 5 425

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: I oppose abolishing the Board of  
Postsecondary Technology. I feel the people  
who attend the basic school are  
more important than the postsecondary  
program, then. The people  
are protected by ~~the~~ <sup>the</sup> Board  
and the basic school

NAME: Phil Hartman DATE: 2-16-81

ADDRESS: 1131 Jackson Missoula, Mt.

PHONE: 543-5470

REPRESENTING WHOM? Board of Ed. Tech.

APPEARING ON WHICH PROPOSAL: 425

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ✓

COMMENTS: I feel a board is necessary to help implement the law. without a board that is in part made up of Ed. Techs who are familiar in the area of T-day.

the DHES is not funded or staffed to take over this responsibility.

Hardship

Term Limits

Some \$

1 year -

Deficit

# Office Memorandum

MONTANA STATE DEPARTMENT OF HEALTH

TO : John Bartlett

DATE: December 4, 1980

FROM : Larry Lloyd

SUBJECT: Morris Brusett December 1 Letter/Legislation to Transfer Licensing of Radiologic Technologists From the Department of Professional & Occupational Licensing to DHES

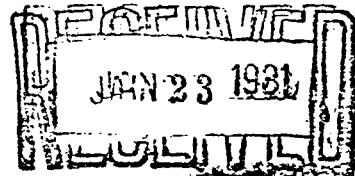
The proposed legislation to transfer the licensing of radiologic technologists from the Department of Professional and Occupational Licensing to DHES does not include a fiscal note to support the licensing program. The Occupational Health Bureau is neither staffed nor funded adequately to absorb this additional workload.

If a fiscal note to cover the cost of administering this program does not accompany the legislation I recommend that DHES oppose the transfer of this responsibility.

I am attaching a copy of a November 12 memo I wrote to Doctor Knight regarding this matter and also a fiscal note that would cover the costs of our assumption of the radiologic technologist licensing.

LLL:kh

Attachments



Doctor A. C. Knight

November 12, 1980

Larry L. Lloyd

Morris Brusett November 3, 1980, Letter Regarding Transfer of Regulation of Radiologic Technologists to DHES

DHES strongly supported the Radiologic Technologist Licensing Bill during the 1975 Legislative Session when it was enacted into law. DHES again supported the licensing of radiologic technologists during the 1977 Legislative Session when efforts were made to repeal the law.

It is extremely important that personnel administering X-ray examinations have sufficient training and demonstrated proficiency to safely produce diagnostic quality roentgenograms.

During my meeting with the Legislative Audit Personnel who were performing the Sunset Audit for the Board of Radiologic Technologists it was apparent that they supported the concept of licensing of radiologic technologists; however, they felt that licensing by the Board of Radiologic Technologists was not adequately protecting the public health and safety.

In all fairness to the Board of Radiologic Technologists and to the Department of Professional and Occupational Licensing, I do not feel that any board or agency can properly license and/or regulate this profession on the level of funding they had for this endeavor.

If the licensing of radiologic technologists is to be transferred to DHES, it is essential that this transfer be accompanied by adequate funding to provide for administration of the program. The Occupational Health Bureau presently has no resources to devote to this endeavor.

Licensing of radiologic technologists will require the services of one full-time employee who will be required to perform the following duties:

1. Review and develop testing procedures.
2. Administer examinations.
3. Issue licenses and permits.
4. Investigate all reports of infractions of licensing laws and regulations.
5. Initiate compliance actions in all cases of infraction of rules and regulations.
6. Review and evaluate radiologic technologist training programs and initiate changes to effect improvement where necessary.
7. Review and evaluate training programs for permit applicants. Develop core required curriculum for such training courses.
8. Conduct periodic inspections to assure adherence to licensing laws and regulations.

Memo to Dr. Knight  
Page Two  
November 12, 1980

DHES can conduct a program of licensing for radiologic technologists that will protect the public health and safety if the necessary resources are provided. A preliminary estimate of necessary funding is approximately \$30,000 per year.

LLL:kh

Budget Summary

Radiologic Technologist Licensing

FTE No.: 1.00

	<u>FY 82</u>	<u>FY 83</u>	<u>Total</u>
Salaries*	\$ 16,295	\$ 17,147	\$ 33,442
Benefits	2,933	3,086	6,019
Contracted Services	1,000	1,000	2,000
Supplies and Materials	1,000	1,000	2,000
Communications and Postage	800	800	1,600
Travel	4,000	4,000	8,000
Rent	2,000	2,000	4,000
Equipment	<u>1,300</u>	<u>0</u>	<u>1,300</u>
<b>TOTAL</b>	<b>\$ 29,328</b>	<b>\$ 29,033</b>	<b>\$ 58,361</b>

\*Salary shown at FY 81 level; no salary increase included.

NAME:

Duane Durkee

DATE:

2/16/81

ADDRESS:

St. Peter's Hospital

PHONE:

442-2480

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

SB 425

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

NAME: John W. M. Miskin, Jr. DATE: 2-16-81

ADDRESS: 2225 11<sup>th</sup> Ave Helena

PHONE: 642-6671

REPRESENTING WHOM? MMA

APPEARING ON WHICH PROPOSAL: SB 392

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

BOARD OF PODIATRY EXAMINERS

The 1977 Sunset Law terminates our Board of Podiatry Examiners on July 1. We feel the following facts and figures should be kept in mind concerning this decision:

1. An increase of 41% in new licenses issued in the past seven years.
2. A total of 34 licenses renewed each year with twenty active practitioners in the state.
3. The handling of one major complaint in the past three years by the Board of Podiatry that was referred by the Board of Medical Examiners.
4. The fact that the Board of Medical Examiners supported legislation in 1977 that created a separate Board of Podiatry Examiners.
5. The Board of Medical Examiners does not feel qualified to issue new licenses to practice Podiatry let alone regulate the practice of Podiatry in Montana.
6. The fact that the new legislation, if passed, will correct the inadequacies of the present statutes governing Podiatry:
  - A. Increased fees to be commensurated with the cost of operating.
  - B. More power to the Board to issue penalties for violations of the statutes.
  - C. Establish the need for continuing education for re-licensure.
  - D. Establish passing of the National Board Exam for licensure.
  - E. The addition of a public member to the Board.
7. The fact that with great strides in education of Podiatrist, along with one to three year surgical residencies available to graduating Doctors of Podiatry we feel a need for Podiatrists to regulate Podiatry, much the same as Dentists license and regulate Dentistry.

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**ADDRESS:** *123 Main Street, Anytown, USA*

**PHONE:** \_\_\_\_\_

REPRESENTING WHOM? John Doe

APPEARING ON WHICH PROPOSAL: 154

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

**COMMENTS:** \_\_\_\_\_

NAME: Tom Hoyal DATE: 2 - 16 - 81

ADDRESS: Holmen

PHONE: 443-555-4

REPRESENTING WHOM? County Attorney

APPEARING ON WHICH PROPOSAL: 512 341

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS: \_\_\_\_\_

NAME: Caral E. Janzen DATE: 7/16/11

ADDRESS: 901 - 2<sup>nd</sup> Ave. Haile Mont. 59501

PHONE: 265-6139

REPRESENTING WHOM? M.S. LINH

APPEARING ON WHICH PROPOSAL: Senate Bill 1619

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Testimony attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

February 16, 1981

TESTIMONY OF CAROL JASINSKI ON SENATE BILL 427

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Mr. Chairman and members of the committee:

I am Carol Jasinski, a Licensed Practical Nurse from Havre. I am 1st Vice President of the Licensed Practical Nurses Association and I am chairman of our Legislative Committee. I am here today to speak in support of Senate Bill 427.

Because of Montana's sunset law, the Board of Nursing called together a Task Force to study and review the Nurse Practices Act. I was a member of that Task Force.

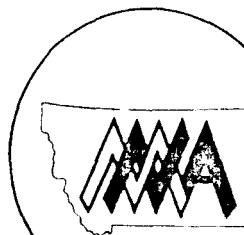
The current composition of the Board of Nursing consists of five Registered Nurses and three Licensed Practical Nurses. This bill provides for one less Registered Nurse and for two new public members. I support the concept of public members on state boards. Members of any profession tend to view that profession from their own viewpoint. Their focus is broadened and expanded when members of the public who are consumers have input in the decision-making process. I believe this is valuable for the profession and a benefit for the general public.

Current law provides for a dual administration and dual functions of the board. This law provides that all members work together as a single administration. Registered Nurses and Licensed Practical Nurses work closely together in their professions and it makes sense and is more efficient to have them work as a single administration on board business.

I also support the changes in this bill regarding the definition of the duties of a Licensed Practical Nurse. The new provision takes into account the scope of changes in the health care field. Currently, Licensed Practical Nurses are trained and educated to perform services which were not included in the previous definition.

This bill benefits the nursing profession and the general public. I ask that you vote in favor of Senate Bill 427.

Thank you.



# Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59601

My name is Donna Small. I am a Registered Nurse from Billings, Montana, and lobbyist for the Montana Nurses' Association.

Three years ago the Montana State Board of Nursing put out a call to all organized groups of nurses and any unorganized groups for whom a spokesperson could be identified to take part in a task force to study the Nurse Practice Act. There has not been a major change in the practice act since it was passed in 1913. Senate Bill 427 reflects much of the work of this task force.

I would like to draw to your attention 2 editorial changes. Page 8, lines 5 and 6 should read the "practice of nursing or employment of nurses." On page 15, line 11, the word "calling" presumes guilt. We feel the words "which may call" are more appropriate.

We would also like to offer 2 amendments. On page 13, lines 7-13, we would delete "to confer any authority to practice any of the healing arts prescribed by law to be practiced in the State of Montana; or to permit any person to undertake the treatment of disease by any of the methods employed in those arts unless the licensee has been qualified under the applicable law or laws licensing the practice of those professions or healing arts in the state of Montana." Nursing today encompasses parts of many healing arts as nursing has become more technical, very specialized parts are being isolated out and a new "healing art" exists, i.e., the respiratory therapist. This is very much a part of nursing, but in large hospitals it is usually

performed by a specialists in respiratory therapy. However, in a small rural hospital this same role is performed by the nurse. It would be both economically unfeasible and impossible to attain the people to put a respiratory therapist in rural hospitals. This is just 1 example; if time permitted, I could give you many more.

The second amendment is on page 16, lines 12 and 13. We would insert the words, "The Board may define the educational requirements and other qualifications applicable to specialty areas of nursing."

This amendment is necessitated by the need to get some uniformity amongst the many specialty areas, such as the nurse practitioner, the nurse anesthetist the nurse midwife. We do not want to have to come back to the legislature every time a new specialty area wants definition and/or recognition.

I ask the committee's indulgence in considering these amendments. We opted to work with the committee bill rather than submitting an alternative bill for you to consider. Thank you for the opportunity to present this to you.

Senate Bill 427 - Testimony before the Senate Public Health Committee  
February 16, 1981 by Ruth Vanderhorst, Billings, MT.  
Member of the Task Force to study the Nurse Practice  
Act, Chairperson of its Legislative Drafting Committee.

I urge your support of Senate Bill 427 and your support of the amendments to it offered by the Montana Nurses' Association.

The citizens of Montana need a Board of Nursing which is composed of knowledgeable informed persons who can administer the Nurse Practice Act. The development of standards for nursing education programs; the review and approval or non-approval of those programs; the regulation of technical and professional practice; the hearing of complaints and recommendations of appropriate disciplinary action; the review of applicants for licensure by endorsement from other states; and, the participation in development of the licensure examinations demands a Board of Nursing composed of a reasonable number of experienced professional nurses. It was, therefore, recommended by the Task Force that Senate Bill 427 be amended to include at least the present number of professional nurses on the Board ... 5. (p 7, line 2; line 14, line 6)

Much attention has been given by the Task Force and by the Legislative Audit of the Board of Nursing to the need of the Board to have the power and duty to make rules regarding nurse specialist practice. Nurse practitioners and nurse anesthetists as well as other prepared specialists in nursing have repeatedly requested that their practice receive attention by the Board. We strongly recommend that an amendment to Senate Bill 427 be added to Section 7 .. that 37-8-202 (insert between lines 12 and 13 - page 16) have a (5) power and duty that reads "the Board may define the educational requirements and other qualifications applicable to speciality areas of nursing". There is a precedent in the law itself for this in terms of nurse <sup>M.D.</sup> midwifery. Our recommendation is not that the law list every nursing specialty area but that the Board have the power to be responsive to the needs of Montana with rule writing authority in this area.

Section 5 - 38-8-103, page 13, line 7 - 13. We recommend that a period (.) be placed after "therefore" in line 7 so that it reads "This chapter may not be construed as conferring any authority to practice medicine, surgery, or any combination thereof." The rest of that paragraph so narrows the definition of nursing that ordinary nursing care measures, such as passive exercise of arms and legs of a bedridden patient, may not be undertaken by nurses. Nursing is holistic. Long before some health care groups were licensed nursing was taking care of the whole patient and continues to do so. Healing arts does include nursing. We urge that you consider our suggested change.

Exemption 1 (q) page 12 - allows nursing without a license when done in connection with the practice of religious tenets of any well-established religion. We recommend this exemption be removed. Who defines "any well-established" religion or denomination? No one that I know of. There was a time when hospitals did rely on sisters who were not licensed to practice nursing. That time is past and a safeguard to the people of Montana demands licensure. Exemptions already provide for parents' care of the sick. Therefore, again, we recommend this exemption be omitted.

Section 5 38-8-103, page 12, line 16. (1) (e). It is recommended that exempting practice of nurses coming into the state to accompany a patient be limited to 30 days rather than the 6 months identified in the bill. Exemptions longer than 30 days presume a utilization of nurses not in keeping with reality and really allows nursing practice without any knowledge by any agency of the state for unknown periods of time.

I do respectfully request that you accept Senate Bill 427 with the amendments suggested herein in the interest of the people of Montana.

NAME: Jamie Acornicil DATE: 3/16/81

ADDRESS: 417 Travania - Butte

PHONE: 792-7806

REPRESENTING WHOM? Board of Nursing

APPEARING ON WHICH PROPOSAL: 5B427

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

I'm Janie Cromwell, President of the Board of Nursing. I speak in support of Senate Bill 427, an act to establish the Board of Nursing. For the past 3 years I've been involved with the Nurse Practice Act as chairman of the Task Force to study the Act. I also concur with the amendments offered here this morning as I recognize specific items identified by members of the Task Force as problems with the current law.

I would like to deal first with the membership of the Board of Nursing. After serving 8 years on the Board of Nursing, I'm concerned over the increase in the workload that requires 10 and 12 hours work in each meeting day to complete school surveys, develop policy statements, answer practice questions, review exams, remain aware of national trends to keep Montana graduates current to handle complaints, meet with licensees and the public and on and on. The elimination of a professional nurse member of the Board adds to the burden of those remaining on the Board and may increase our time at meetings which increases costs.

Secondly, I strongly endorse the amendment dealing with the specialty areas of nursing. This field has grown in the last few years, but there are no standards on qualifications to insure the public they have the service of a qualified practitioner. Not only do those involved in specialty practice desire this, but many others, such as the physicians, social workers, and senior citizens do. I did some research and find that in 27 states legislators have given authority to the Board of Nursing to develop rules to identify the extended role of the nurse as well as specify qualifications for practice in that role. The Nurse Practitioner, Pediatric Nurse Practitioner, Family Nurse Practitioner, Geriatric Nurse Practitioner, Psychiatric

Nurse Practitioners, the Certified Registered Nurse Anesthetist, to name only a few, are ones other states have identified. Nineteen other states are currently working on development of such rules.

Thirdly, I also feel strongly that you can't limit the nurse by the exclusion section 37-8-103, number (2). She/he does coordinate the patient's care in execution of the medical orders no matter how many other health disciplines are involved. This would fragment that care and treat the patient as a number of body systems instead of a whole patients. You've already heard those examples here today.

I do request your support of Senate Bill 427 with the amendments submitted.

NAME: STEWARD SMITH DATE: 2-16-81

ADDRESS: 1001 1/2 1/2 1/2

PHONE: 442-2170

REPRESENTING WHOM? STEWARD SMITH

APPEARING ON WHICH PROPOSAL: 2140

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: None

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

27. 42.1 C. 1. 1. 1. 1. 1. 1. 1.

26. Hospital and Dispensary Association  
27. Hospital Association

NAME: Jeanne T. Luedtke DATE: 7-16-81

ADDRESS: Heleno, Md.

PHONE: 447-1350

REPRESENTING WHOM? Pet. Fiscal Com.

APPEARING ON WHICH PROPOSAL: 437

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? ✓ OPPOSE? \_\_\_\_\_

COMMENTS: Acceptable language on page 8. Please change  
Section line 22 through 33 now?  
Section line 1 through 17 page 9

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\_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John W. Dr. Franken, Jr. C DATE: 2-16-21

ADDRESS: 2225 11<sup>th</sup> Ave Helen

PHONE: 1142-0671

REPRESENTING WHOM? MONTA

APPEARING ON WHICH PROPOSAL: SB 427

DO YOU: SUPPORT? \_\_\_\_\_ AMEND?  OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

STATE OF MONTANA  
**DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING**  
HELENA, MONTANA 59601

THOMAS L. JUDGE  
GOVERNOR

ED CARNEY  
DIRECTOR  
LaLONDE BUILDING  
(406) 449-3737



Public Health Committee  
Capitol Building  
Helena, MT

Dear Sirs:

Due to my work schedule, I am unable to attend this meeting.

Our Board representative will present our statement to you.

Sincerely,

A handwritten signature in black ink that appears to read "Thos. L. Judge".

# **In Support of**

## **The board of Massage Therapists**

**Dear** \_\_\_\_\_

**I would like to voice my support for the re-establishment  
of the Board of Massage Therapists.**

**My concern is based on the fact that without this law,  
massage parlors and the illegal practices that follow will  
become common place in our beautiful state.**

**Thank you**

**Name** Charleen Poole

**Address** Winsett, Mont

Charleen Pease, Winnett, Montana 59087  
Mary L. Ostler, Helmville, Montana 59843  
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Dorothy Ziesman, Mosby, Montana 59058  
R. G. Ziesman, Mosby, Montana 59058  
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 Donna Nicholson, Assinibria, Sask.  
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 Ernest Noble, Coronack, Sask., Canada  
 Ethel Noble, Box 212, Coronach, Sask.  
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