

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

March 11, 1987

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Dorothy Eck on March 11, 1987, in Room 410 of the State Capitol.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF HOUSE BILL NO. 555: Rep. Jack Sands, District # 90, sponsor of the bill, explained that this bill authorizes the Board of Medical Examiners to establish a drug and alcohol treatment program for impaired physicians and that the costs to the state would be \$116,000 for the biennium.

PROPOSERS: Maurice Hammill, Montana Board of Medical Examiners, testified that since 1977, any licensed physician needs to report to the board any allegations of impairment, whether it be mental, physical, or substance abuse. They have been operating now to provide care to physicians and have several to treat.

Edward Nolly: Board of Medical Examiners, stated that the Board has worked closely with hospitals since 1977 to have impaired physicians reported and then has worked with these doctors in providing necessary therapy. This is now a speciality in medicine and the medical profession is trying to keep up with events happening throughout the U.S. The Board requires money to check on cases. It comes out of fees to the Board of Medical Examiners at no cost to the people of Montana.

Jerry Lindorf, Montana Medical Association, stated that they have removed incompetent physicians from practice, but the state prefers to salvage these doctors whenever possible, because they have invested so much money in their medical educations.

Eileen Robbins, Montana Nurses Association, stated that physicians' impairment is harmful to nurses and patients. The therapy program offers an opportunity to physicians to recover and provide a strong roll model for others.

Exhibit # 1.

Wm. Leary, Montana Hospital Association, stated that because of the professional isolation in rural areas of Montana, physicians do turn to alcohol and drugs to fill in long hours. It is better to help these doctors because it is very difficult to bring physicians to these areas and communities have often made an investment to bring doctors to their areas.

DISCUSSION OF H.B. 555: Sen. Rassmussen: Are these physicians out of practice for awhile?

Edward Nolley: Some are pulled from practice for awhile, but it depends on how radically impaired they are. In any case they are supervised; and the physicians sign a contract to do follow-up treatment.

Sen. Williams: Is there a similar program for nurses?

Eileen Robbins: No, but we are looking at establishing one.

Sen. Hims1: Can't the individual doctor pay for his own treatment?

Edward Nolley: The treatment is at the physician's expense, but the costs in the fiscal note are for the state's monitoring costs. Also, the state is

developing evidence in case the individual completely fouls up and the state needs to remove his/her license.

Sen McLane: Is any physician required to report to the Board of Medical Examiners any physician who is in difficulty?

Edward Nolley: Yes, and as the program becomes better known in the communities, the doctors know that they can be suspended for thirty days for not reporting offending doctors.

Sen. Williams: Is it true that if the board gets reports of any kind from rural areas, they must do a check?

Edward Nolley: Yes, the board checks and the physicians are very cooperative when the Board of Medical Examiners is "on his back". The board has lost five physicians who no one reported, but it has had good success bringing doctors back.

Rep. Jack Sands closed his testimony by stating that no general fund expenditures are sought for this segment of the population and he urges a do pass.

ACTION ON H.B. 555: Sen. Rassmussen moved that H.B. 555 BE CONCURRED IN. The bill received an unanimous do pass. Sen. Hager will carry the bill in the Senate.

CONSIDERATION OF H.B. 541: Rep. Clyde Smith, District # 5, sponsor of the bill, explained the purpose of the bill and the make-up of the board. The bill clarifies the terms of the nursing board members, the educational requirements for nurse specialty areas, and the board's procedures for denial, revocation, or suspension of a license.

PROPOSERS: Phyllis McDonald, executive secretary for the Montana Board of Nursing, first explained the amendment dealing with public members appointed to the Board of Nursing, that they should serve staggered terms as professional members now do. This would provide for greater continuity as the board deals with issues before it.

The second item the bill addresses is formal recognition of a nurse as a practitioner in a specialty area of nursing. This bill specifically states that a specialty area applicant be certified by a specialty area certifying body. The subject of this type of certification was addressed in a bill to the legislature in 1981, but the language of that bill has led to several expensive lawsuits for the MNA. The original intent was to require advanced training in the field of specialization, certification by a national credentialing organization and meeting standards imposed by the board. This amendment makes the intent clear.

The third feature of H.B. 541 gives the board authority to investigate complaints without a formal written complaint being filed first. The formal written complaint discourages citizen participation, board initiative and protection of the public. The amendment still provides for preliminary investigation, due process and fair hearing protections. Exhibit # 2.

Margaret Barkley, President, Montana Board of Nursing, testified that for the purpose of the Board to meet its responsibility of protecting the public's health, the Nursing Statute needs to be changed from time to time to keep current with changes in health care. The Nursing Board would like to have the terms of its public members staggered so that they have better continuity in dealing with issues; the board would like to clarify the qualifications for recognition in the specialty areas of nursing and who does the certification in specialty areas; and the Board would like to revise its investigation and complaint and hearing procedures so that the public and the board and constituents would know the procedures followed by the board. This would allow for greater protection for the public. She also gave testimony for Janice Anderson, public member of the board, who supports the changes.

Exhibit # 3.

Leta Livoti, Montana Association of Nurse Anesthetists, stated that the MANA supports the bill as amended by the House of Representatives.

Eileen Robbins, Montana Nurses' Association, stated that the MNA concurs with the previous testimony and urges passage of the bill. Exhibit # 4.

DISCUSSION OF H.B. 541: Sen. Himsl: On Page 4 it says that the applicant must be certified by a specialty area certifying body. Where is the identity of the specialty area certifying body?

Phyllis McDonald: The law has identified three areas of specialty practice. The American Nurses Association certifies most nurse practitioners; the American College of Nurse midwives certifies nurse midwives; and the American College of Nurse Anesthetists certifies nurse anesthetists.

Sen. Himsl: Who would I go to for certification, if I wanted to be one of these?

Phyllis McDonald: You would go to any one of these organizations which provides certification. This is a national certification; and when a R.N. receives it, it applies to any state requirements.

Mary Monger: The Board of Nursing decides whether a body is an authorized body to provide that certification.

Sen. Himsl: Does this strike the American Nurses Association then?

Mary Monger: Yes, it does. The state board looks at who certifies the nurse specialist and is legitimately certified to certify individuals.

Rep. Smith closed with the statement that the ladies have all this figured out better than the men and he urged a do pass.

ACTION ON H.B. 541: Sen. Vaughn moved that H.B. 541 BE CONCURRED IN. The bill received a unanimous do pass. Sen. Vaughn will carry.

CONSIDERATION OF HOUSE BILL NO. 615: Rep. Dorothy Cody, District # 20, sponsor of H.B. 615, explained the various provisions of the bill which would change some provisions relating to the practice of podiatry. Specifically, Sec. 3 eliminates the use of the work chiropodist, since that term is no longer used; Sec. 4 defines all the terms of licensure; Sec. 6 establishes procedures for renewal of license fees and correctional action

that may be taken for failure to renew; Sec. 9 is new and deals with unprofessional conduct.

PROPOSERS: Morris Hammill, Board of Medical Examiners, stated that the broad statutes have been the same since 1947, but that this bill updates the disciplinary statutes. It ensures qualified, competent physicians in Montana and redoes the educational requirements by adding an extra year of training. These changes will ensure better monitoring and thus protect the public.

Ed Bertinolli, Board of Medical Examiners, stated that some of the regulations and language relating to podiatry were very outdated and this bill brings them up to date with modern practice.

Jerry Loendorf, Montana Hospital Association, stated that this bill allows new doctors to get started in the state by issuing a provisional license, while they go through the longer process of obtaining a permanent license. The bill gives the board broader powers, has new provisions for unprofessional activities, and contains statutes similar to those governing other parts of the medical profession.

Lawrence Rogers, Podiatrist, Missoula, stated that the Northwest Podiatrist Association has updated its educational requirements, and the bill recognizes those requirements; the state can initiate punitive regulations better through this bill; and the state's residents will get better protection.

DISCUSSION OF H.B. 615: Sen; Himsl: Is there a grandfather clause in this bill?

Mr. Hammill: The bill will become effective in September, 1987. I assume that all physicians practicing in the state will remain.

Rep. Cody: This only applies to people applying after September 30, so the grandfathering is in the bill.

Rep. Cody, in closing, stated that the bill is clear and without ambiguity.

ACTION ON H.B. 615: Sen. McLane moved that H.B. 615 BE CONCURRED IN. The vote to pass was unanimous. Sen. McLane will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 788: Rep. Red Menahan, District # 67, sponsor of H.B. 788, informed the committee that he would like the bill tabled. His written statement is filed with the committee minutes.

ACTION ON H.B. 402: Karen Renne discussed a concern from the Historical Society on whether the patient record would conflict with the public record. She told the Historical Society that that should not happen. Sen. Williams moved the H.B. 402 BE CONCURRED IN. The vote in favor was unanimous. Sen. Williams will carry the bill.

ACTION ON H.B. 471: The amendments were distributed by Karen Renne; she first discussed the intent of "general nutritional information" and the places the term is used.

The next set of amendments covers exemptions for weight control centers.

Sen. Rassmussen moved the first set of amendments endorsed by the sponsor.

Sen. Hims1: Does this set of amendments allow or prevent a person to provide information?

Karen Renne: This amendment came from the Diet Center organization. Only limited people can prescribe a diet, but many sellers of nutritional information can provide information.

Sen. Hims1: What about people selling prescribed diets for weight control organizations. Do they have to have these reviewed by a local licensed dietitian?

Karen Renne: They have to have a dietitian available for consultation, but that can be at the national level. The bill doesn't say anything about local control. These diets have already been approved by licensed dietitians.

Mr. Allen: No, every diet center in town will have to hire a dietitian.

Sen. Eck: Do these centers prescribe diets for an individual?

Mr. Allen: Yes.

Sen. Hims1: Could a doctor examine you and give a diet without consulting a dietitian?

Karen Renne: Doctors are already exempted from the bill because they are already licensed.

Sen. Rassmussen: I would like to make a substitute motion, that we accept this series of amendments, but strike Line 10. The motion carried with Sen. Norman voting no. Amendments 1-9 and 11 were adopted.

Sen. Rassmussen: I would like to move the second set of amendments on the exemption of naturopaths. Their educational training includes a lot of nutrition, and they use that information in training and in practice. This amendment allows them to continue their practice.

Sen. Vaughn: How are they accredited and certified?

Sen. Rassmussen: Their schools are close to accreditation.

Sen. Jacobson: I have talked with Dr. Tietz, who is the head of the Northwest Accreditation Board, and he says that their schools are not close to accreditation. The naturopaths and what they do should be in a separate bill.

Sen. Rassmussen: Will Dr. Berkamp give us his thoughts on accreditation?

Dr. Michael Berkamp: John Bastyr College met the credentials that it was asked to meet, but it was then turned down because it is too specialized. John Bastyr has now opened up a nutrition department and offers a nutrition degree and the school is going through the processes it is being asked to follow. Naturopaths are clinically trained to handle nutritional assessment, and this bill will hurt us. We have tried to get licensed in the state for the past two sessions, but the bills have been killed in the House.

Sen. Rassmussen: The profession is not trying to backdoor in; this was not their bill and they are not attempting that.

Sen. Jacobson: I agree, and I don't think the bill will stop them from doing what they are doing, even if they are not licensed.

Dr. Berkamp: No, this could harm us in assessment and counseling. You have to assess someone to do quality work. The intent is not there, but the wording is.

The question was called on the motion to exempt naturopaths from H.B. 471. The amendment failed on a roll call vote, 6-3. Senators voting yes were Williams, Rassmussen, and McLane. Senators voting no were Eck, Meyer, Vaughn, Jacobson, Himsl, and Hager.

Sen. Williams moved that H.B. 471 BE CONCURRED IN AS AMENDED.

Sen. Rassmussen: I make a substitute motion to table H.B. 471. There has been tremendous controversy over this bill; too many segments of the population have an interest in nutrition, and only one spectrum has written this bill, when the whole industry needs to have input into the writing of it. They should come back with another bill in two years.

Sen. Jacobson: Let's look at a closer to home example. Do you want the ophthalmologists to write the optometrist bill? These people would simply like to be licensed in their own profession.

Sen. Rassmussen: I don't think that the dietitians have an exclusive hold on the field, so they need to broaden the input into the field.

Sen. Williams: We are eight of fifty. A lot of work has been put into this bill and it is fairer to have it go to the floor.

Sen. Jacobson: I have worked with the dietitians for almost two years; they are not setting up any new boards, and we can correct problems in two years, if any occur.

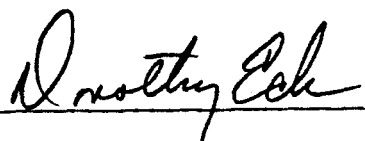
Sen. Himsl: We operate under a committee system and we understand this complicated problem. We are responsible for making the recommendation.

Sen. Williams: Will the absence of Senators Norman and Hager change the vote?

The motion failed on a roll call vote 5-3. Senators voting yes were Rassmussen, McLane, and Himsl. Senators voting no were Eck, Williams, Meyer, Vaughn, and Jacobson.

Sen. Williams called for the original motion. The motion that H.B. 471 be concurred in as amended passed by a roll call vote of 6-3. Senators voting yes were Eck, Williams, Meyer, Vaughn, Jacobson, and Hager. Senators voting no were Rassmussen, McLane, and Himsl. Senator Eck will carry the bill.

The hearing adjourned at 2:50 P.M.



CHAIRMAN

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3-11-87

| NAME | PRESENT | ABSENT | EXCUSED |
|-----------------------|---------|--------|---------|
| Dorothy Eck | X | | |
| Bill Norman | X | | |
| Bob Williams | X | | |
| Darryl Meyer | X | | |
| Eleanor Vaughn | X | | |
| Tom Rasmussen | X | | |
| Judy Jacobson | X | | |
| Harry H. "Doc" McLane | X | | |
| Matt Himsl | X | | |
| Tom Hager | X | | |
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Each day attach to minutes.

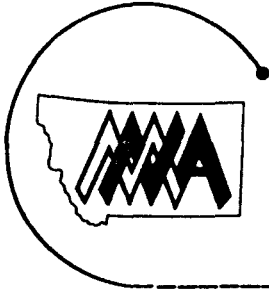
DATE 3-11-87

COMMITTEE ON

State Public Health

VISITORS' REGISTER

| NAME | REPRESENTING | BILL # | Check One | |
|-------------------------|-----------------------|------------------|-------------------------------------|------|
| | | | Support | Oppo |
| Tom J. Zurek | Mt. Medical Assn | HB 555 HB 615 | <input checked="" type="checkbox"/> | |
| Dr. Peter Wallin | Bd Med Ex | HB 555 HB 615 | <input checked="" type="checkbox"/> | |
| Margaret Barbley | Mt. St. Board of Nsg | HB 541 | <input checked="" type="checkbox"/> | |
| Phyllis McDonald | Mt. Board of Nsg | HB 541 | <input checked="" type="checkbox"/> | |
| Polly Junkermeier Poole | Mt. Dietetic Assn. | HB 471 | <input checked="" type="checkbox"/> | |
| M. A. ... | Mt. Board med Exam | HB 555 HB 615 | <input checked="" type="checkbox"/> | |
| Chen ... | M.P.M.A. | HB 615 | <input checked="" type="checkbox"/> | |
| Eileen Rodgers | Montana Nurses Assoc. | 555 541 | <input checked="" type="checkbox"/> | |
| Leta ... | M.A.N.A. | 541 | <input checked="" type="checkbox"/> | |
| Pat ... | Mont Dietetic Ass | 471 | <input checked="" type="checkbox"/> | |



Montana Nurses' Association

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

HB 555

Madame Chair, members of the committee, I am Eileen Robbins, speaking on behalf of the Montana Nurses' Association, an organization with over 1400 registered nurse members.

The Montana Nurses' Association supports HB 555 which authorizes the Board of Medical Examiners to establish a program for impaired physicians.

The abuse of alcohol and other drugs is a commonly shared occupational hazard of nurses and physicians. In fact, their incidence of impairment from chemical dependency due to pharmaceuticals is 35 times the national average.

A program for impaired physicians would provide a continuous rehabilitation program designed and administered by colleagues who have a sincere interest in promoting recovery. And, it would indirectly benefit nurses and other health care professionals by providing a role model of the "recovered impaired physician".

MNA strongly supports the efforts of physicians to protect the public health by working towards the recovery of impaired physicians.

Please give this bill a DO PASS recommendation.

Respectfully submitted,
Eileen C. Robbins, R.N.
March 11, 1987

BOARD OF NURSING
DEPARTMENT OF COMMERCE

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 3-11-87

BILL NO. 541

1424 9TH AVENUE



STATE OF MONTANA

(406) 444-4279

HELENA, MONTANA 59620-0407

TESTIMONY RE HB541

HB = "HOUSE BILL"

MADAM CHAIRMAN AND MEMBERS OF THE COMMITTEE

MY NAME IS PHYLLIS MCDONALD. I AM EXECUTIVE SECRETARY TO THE BOARD OF NURSING.

I AM HERE TO EXPLAIN HB541.

HB541 HAS THREE FEATURES. THE PRIMARY ONE IS TO CLARIFY SOME STATUTORY LANGUAGE WITH RESPECT TO QUALIFICATIONS FOR RECOGNITION AS A NURSE PRACTITIONER. THE NECESSITY FOR THAT CHANGE PRESENTS AN OPPORTUNITY TO DO SOME HOUSE KEEPING THAT SHOULD HAVE BEEN TAKEN CARE OF EARLIER.

TAKING THE SUBJECTS IN THE ORDER IN WHICH THEY APPEAR IN THE BILL, I CALL YOUR ATTENTION TO THE PROPOSED AMENDMENTS AT LINE 23 ON PAGE 2 OF THE BILL. THE INTENT OF THIS CHANGE IS SIMPLY TO MAKE CLEAR THAT PUBLIC MEMBERS ON THE BOARD SERVE STAGGERED TERMS, THE SAME AS PROFESSIONAL MEMBERS. THIS CHANGE IS SUGGESTED BY PAST AND PRESENT PUBLIC MEMBERS. THE BENEFIT OF STAGGERED TERMS IS TO PROVIDE FOR GREATER CONTINUITY OF GRASP OF THE SUBJECT. THE BOARD FEELS THIS PURPOSE WOULD BE MET IF ALL MEMBERS SERVED STAGGERED TERMS.

THE PRIMARY REASON FOR THE BILL APPEARS BETWEEN LINES 18 AND 21 ON PAGE 4 OF THE BILL.

SENATE HEALTH & WELFARE
EXHIBIT NO. 2
DATE 3-17-82
BILL NO. H.R. 54

THE SUBJECT MATTER IS FORMAL RECOGNITION AS A PRACTITIONER IN A SPECIALTY AREA OF NURSING. I WANT TO EMPHASIZE THAT THIS DOES NOT DEAL WITH INITIAL LICENSURE TO PRACTICE IN THE FIELD OF NURSING. IT DEALS WITH A HIGH LEVEL OF CARE ON A SPECIALIZED BASIS, CALLING FOR A HIGHER DEGREE OF KNOWLEDGE AND CLINICAL SKILLS. NURSE PRACTITIONERS HAVE LESS SUPERVISION IN PROVIDING CARE AND SOMETIMES QUALIFY FOR MEDICARE OR MEDICAIDE REIMBURSEMENT.

THIS SUBJECT WAS FIRST ADDRESSED BY THIS LEGISLATURE IN 1981. UNFORTUNATELY LAST-MINUTE COMPROMISES OF THIS AND OTHER SUBJECTS RESULTED IN SOME LANGUAGE THAT HAS LEAD TO FIVE LAW SUITS INVOLVING 9 APPLICANTS AND COSTING THE BOARD OVER \$20,000. SOME OF THE ISSUES ARE RECURRING.

MOST OF THE LITIGATION INVOLVED OR INVOLVES THE PHRASE DEFINING "SPECIALTY AREAS OF NURSING" AS "THOSE THAT REQUIRE ADDITIONAL EDUCATION IN COURSES OFFERED IN A UNIVERSITY SETTING OR ITS EQUIVALENT AND CERTIFIED BY THE AMERICAN NURSES ASSOCIATION." THE ANA DOES NOT CERTIFY SCHOOLS. IT ONLY CERTIFIES INDIVIDUALS. SEVERAL APPLICANTS HAVE MAINTAINED THAT, SINCE THE ANA PERMITTED THEM TO TAKE EXAMS, IT IN EFFECT CERTIFIED THEIR SCHOOLS. THE BOARD HAS SPENT OVER \$5,000 FOR WITNESSES FROM ANA WHO HAVE TESTIFIED THAT THE ANA ONLY CERTIFIES INDIVIDUALS.

A FURTHER CONSIDERATION IS THAT THERE ARE OTHER NURSE PRACTITIONER CERTIFYING BODIES BESIDE THE ANA, INVOLVED IN SEVERAL SPECIALTY AREAS OF NURSING.

THE ORIGINAL INTENT WAS TO REQUIRE ADVANCED TRAINING IN THE FIELD OF SPECIALIZATION, CERTIFICATION BY A NATIONAL CREDENTIALLING ORGANIZATION AND MEETING STANDARDS IMPOSED BY THE BOARD. THIS AMENDMENT WOULD MAKE THE INTENT CLEAR.

THE THIRD FEATURE OF THE BILL APPEARS AT PAGE 5. IT ADDRESSES A NUMBER OF PROVISIONS THAT THE STAFF ATTORNEY PREDICTED WOULD BE ISSUES IN DISCIPLINE CASES. THEY ALL HAVE SINCE BECOME ISSUES.

CONDUCT STANDARDS FOR PROFESSIONALS CHANGE ALONG WITH CHANGES IN THE PRACTICE. THE CURRENT TREATMENT IN THE FIELD OF PROFESSIONAL REGULATION IS TO AUTHORIZE REGULATION BOARDS TO DEFINE UNPROFESSIONAL CONDUCT BY RULE. WITHOUT THE AUTHORITY TO MAKE SUCH A RULE, A RULE WOULD BE INVALID AND THE BOARD WOULD HAVE TO COME BACK TO THE LEGISLATURE EVERY TIME A CHANGE WAS CALLED FOR. BOARD RULES HAVE BEEN CHALLENGED BASED ON THE ABSENCE OF EXPRESS BOARD AUTHORITY TO ADOPT THEM.

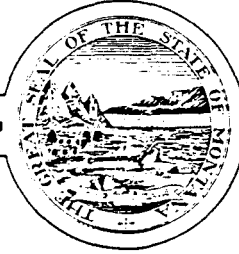
THE AMENDMENTS BETWEEN LINES 16 AND 21 ON PAGE 5 GIVE THE BOARD AUTHORITY TO INVESTIGATE COMPLAINTS AND OTHER INFORMATION COMING TO ITS ATTENTION. PRESENT PROVISIONS REQUIRE A FORMAL WRITTEN COMPLAINT. THIS IS ONE OF ONLY 2 BOARDS IN MONTANA WHICH STILL HAVE THIS CUMBERSOM REQUIREMENT. IT DISCOURAGES CITIZEN PARTICIPATION, BOARD INITIATIVE AND PROTECTION OF THE PUBLIC. BOARD ACTION WITHOUT A FORMAL COMPLAINT HAS BEEN CHALLENGED IN COURT. THIS BILL ELIMINATES IMPEDIMENTS TO INVESTIGATION OF ALLEGATIONS OF VIOLATION OF PRACTICE STANDARDS.

THE BOARD SUBMITS THAT THE AMENDMENT WOULD NOT ENCROACH UPON RIGHTS OF LEGITIMATE LICENSEES. THIS IS BECAUSE THE BILL REQUIRES PRELIMINARY INVESTIGATION. IF DISCIPLINARY ACTION AGAINST THE LICENSE IS INDICATED BY THE INVESTIGATION, A FORMAL CASE IS STARTED. THIS PROCEEDING WOULD BE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITH ALL OF ITS DUE PROCESS AND FAIR HEARING PROTECTIONS.

THANK YOU, MADAM CHAIRMAN. I WILL BE HAPPY TO TRY TO ANSWER ANY QUESTIONS FROM THE COMMITTEE.

BOARD OF NURSING
DEPARTMENT OF COMMERCE

1424 9TH AVENUE



STATE OF MONTANA

(406) 444-4279

HELENA, MONTANA 59620-0407

To: Senator Dorothy Eck, Chairman
and Members of the Public Health, Welfare And Safety Committee

Date: March 3, 1987

Subject: Testimony on House Bill 541

I am Margaret Barkley, President of the Montana Board of Nursing and I am here on behalf of the Board to speak in support of H.B.541.

The Board of Nursing exists to regulate the practice of nursing for the purpose of protecting the public. The Board has a long standing commitment to insure that it continue to meet the responsibility for the public's health, safety and welfare. It is, therefore, necessary to amend the Nursing Statute from time to time to keep it current with changes in health care or other laws and to assure that the language be clear and easily interpreted.

HB 541 calls for staggering of terms for all Board Member. - Section 2-15-844, (4), MCA. The registered nurse and licensed practical nurse members, for the most part, historically have had and continue to have terms of office which have been overlapping within their respective groups. This staggering of terms meets the requirements of the current 2-15-1844, (4), MCA. Such a plan has resulted in continuity of members and therefore carry over of historical background of Board of Nursing activities. However, the situation is different for the two (2) public members. In 1981, the revised Nursing Practice Act called for

two public members, in addition to the four registered nurse and three licensed practical nurse members. The Public Members were appointed the same year for the same terms of office. This has hindered continuity in the important consumer or public member group. The Board supports the proposed change for the staggered terms so that continuity and carry over of all groups of members will be provided. The alternating terms would be of benefit to the functioning of the public members, providing better transmission of background information on Board functions and follow through of matters coming before the Board.

Referring to Section 37-8-202(5), the proposed changes would clarify the qualifications for recognition in the specialty areas of nursing and clarify that the applicant for specialty area practice must be certified in the specialty area. As currently written, the provision "and certified by the American Nurses' Association" has been interpreted to refer to the specialty area courses rather than to certification of the individual. The broader perspective of the proposed statement "certified by a specialty area certifying body" would also recognize and clarify that in addition to the American Nurses Association, there are other certifying bodies such as the American College of Nurse Midwives and the American Association of Nurse Anesthetists who certify nurses in the specialty areas of nurse midwives and nurse anesthetists. For these reasons, we support these changes.

In Section 37-8-441(5), the Board requests the change to provide strength to the rules which are developed by the Board. Nursing practice is constantly undergoing changes and with these changes, comes increased responsibility for the Board to protect the public. The Board must clearly have the charge to deal with future questions or problems some of which might be unprofessional conduct.

The amendment offered in Section 37-8-442 (1) would revise the Board's investigation and complaint and hearing procedures. Such a change would also provide for consistency with the Administrative Act.

EXHIBIT NO. 3
 DATE 3-11-87
 BILL NO. HB 541

Amending this section would also clarify for constituents and the public the procedure which must be followed by the Board. The change would further clarify the rights and responsibilities of the public, the nurses, and the Board of Nursing. The end result would provide greater protection for all concerned.

Thank you for the opportunity to present these comments on behalf of the Board of Nursing. We urge your support of House Bill 541.

BOARD OF NURSING
DEPARTMENT OF COMMERCE

1424 9TH AVENUE



STATE OF MONTANA

(406) 444-4279

HELENA, MONTANA 59620-0407

To: Senator Dorothy Eck, Chairman
and Members of the Public Health, Welfare And Safety Committee

Date: March 3, 1987

Subject: Testimony on House Bill 541

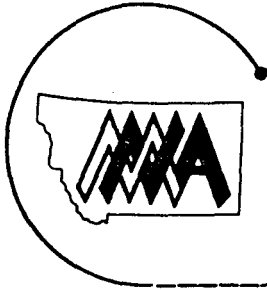
I am Janice Anderson, public member on the Montana Board of Nursing. I speak in favor of House Bill 541, amending sections of the nursing law.

Section 2-15-1844, MCA. I originally suggested that the Board request that change because both public members currently have the same terms of office. It takes time to become familiar with the issues facing the board, so it is not in the best interest of the public to have both public members new to the board at the same time. The current unstaggered public member terms limit continuity and carry over of pertinent Board information between the public members.

Amending Section 37-8-442 would clarify the law in relation to the handling of complaints under the Administrative Procedures Act and would facilitate the functioning of the Board. The change would also clarify the complaint procedure followed by the Board.

For these reasons I urge you to support changes for clarification in House Bill 541.

Thank you.



Montana Nurses' Association

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

HB 541

Madame Chair, members of the Committee, I am Eileen Robbins, speaking on behalf of the Montana Nurses' Association, an organization with over 1400 registered nurse members.

The MNA is in support of HB 541. We concur with the previous testimony and the position of the Montana Board of Nursing.

I urge you to give HB 541 a DO PASS recommendation. Thank you.

Respectfully submitted,
Eileen C. Robbins, R.N.
March 11, 1987

Sen. Eck.

3/11/87

Please Table 4B.
788 I've worked
out my problem w the
MMA.

Rep. W. J. Menahan

ROLL CALL VOTE

SENATE COMMITTEE Public Health, Welfare and Safety

Date 3-11-87 Bill No. 471 Time 2:25

| NAME | YES | NO |
|-----------------------|-----|----|
| Dorothy Eck | | X |
| Bill Norman | | |
| Bob Williams | X | |
| Darryl Meyer | | X |
| Eleanor Vaughn | | X |
| Tom Rasmussen | X | |
| Judy Jacobson | | X |
| Harry H. "Doc" McLane | X | |
| Matt Himsl | | X |
| Tom Hager | | X |
| | | |
| | | |

Ellen Nehring
Secretary

Dorothy Eck
Chairman

Motion: To exempt naturopaths under Section 6.

ROLL CALL VOTE

SENATE COMMITTEE Public Health, Welfare and Safety

Date 3-11-87 Bill No. 471 Time 2:30

| NAME | YES | NO |
|-----------------------|-----|----|
| Dorothy Eck | | X |
| Bill Norman | | |
| Bob Williams | | X |
| Darryl Meyer | | X |
| Eleanor Vaughn | | X |
| Tom Rasmussen | X | |
| Judy Jacobson | | X |
| Harry H. "Doc" McLane | X | |
| Matt Himsl | X | |
| Tom Hager | | |
| | | |
| | | |

Ellen Nehring
Secretary

Dorothy Eck
Chairman

Motion: To table H.B. 471.

ROLL CALL VOTE

SENATE COMMITTEE Public Health, Welfare and Safety

Date 3-11-87 Bill No. 471 Time 2:35

| NAME | YES | NO |
|-----------------------|-----|----|
| Dorothy Eck | X | |
| Bill Norman | | |
| Bob Williams | X | |
| Darryl Meyer | X | |
| Eleanor Vaughn | X | |
| Tom Rasmussen | | X |
| Judy Jacobson | X | |
| Harry H. "Doc" McLane | | X |
| Matt Himsl | | X |
| Tom Hager | X | |
| | | |
| | | |

Ellen Nehring
Secretary

Dorothy Eck
Chairman

Motion: That H.B. 471 BE CONCURRED IN AS AMENDED.

STANDING COMMITTEE REPORT

.....MARCH 11..... 19.87.....

MR. PRESIDENT

We, your committee on.....Senate Public Health, Welfare and Safety.....

having had under consideration.....House Bill..... No.....615.....

Third reading copy (Blue)
color

REVISING THE LAWS RELATING TO PODIATRY

CODY (McLAINE)

Respectfully report as follows: That.....House Bill..... No.....615.....

BE CONCURRED IN

~~DO NOT~~
DO PASS

~~DO NOT~~ PASS

.....DONOHY PCK.....

Chairman.

STANDING COMMITTEE REPORT

March 11

1987

MR. PRESIDENT

We, your committee on SENATE PUBLIC HEALTH, SAFETY, AND WELFARE

having had under consideration HOUSE BILL No. 541

THIRD reading copy (BLUE)
color

REVISING NURSES LICENSING LAW

SMITH (VAUGHN)

Respectfully report as follows: That HOUSE BILL No. 541

HE CONCURS IN

~~DO NOT PASS~~
DO PASS

~~DO NOT PASS~~
DO NOT PASS

DOROTHY ECK

Chairman.

STANDING COMMITTEE REPORT

MARCH 11

19 87

MR. PRESIDENT

We, your committee on SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 555

THIRD reading copy (BHJE)
color

AUTHORIZING IMPAIRED PHYSICIAN PROGRAM

SANDS (LAGER)

Respectfully report as follows: That HOUSE BILL No. 555

BE CONCURRED IN

~~XXXXXXXX~~
DO PASS

~~XXXXXXXX~~
DO NOT PASS

DOROTHY ECK

Chairman.

STANDING COMMITTEE REPORT

HB471.SCR

March 11, 1937

MR. PRESIDENT

Public Health, Welfare, and Safety

We, your committee on.....

House Bill

471

having had under consideration..... No.....

third blue
reading copy ()
color

PROVIDING FOR LICENSING AND REGULATION OF DIETITIANS AND NUTRITIONISTS

DARRO (ECK)

Respectfully report as follows: That..... House Bill..... No. 471.....

BE AMENDED AS FOLLOWS:

1. Page 2, line 4.

Following: "ACCREDITATION"

Strike: "OF"

Insert: "AND"

2. Page 2, following line 22.

Insert: "(6) "General nutritional information" means information on:

(a) principles of good nutrition;

(b) foods to be included in a daily diet;

(c) the essential nutrients needed by the body;

(d) recommended amounts of these nutrients;

(e) the action of these nutrients on the body;

(f) the effects of deficiencies in these

nutrients; or

(g) foods and supplements that are good sources of essential nutrients."

Repeal: subsequent subsections

3. Page 3, line 25

Following: "[THIS ACT];"

Insert: "or"

4. Page 4, lines 4 and 5.

Following: "UNIVERSITY"

Strike: "OR" through "COMMISSION"

~~XXXXXX~~

~~XXXXXXXX~~

CONTINUED

Chairman.

March 11,

1907

5. Page 5, lines 24 and 25.

Following: "he"

Strike: "(a)"

Following: "COMMISSION"

Strike: "; or"

Insert: "."

6. Page 6, lines 1 through 17.

Strike: subsections (b) and (2) in their entirety

Renumber: subsequent subsection

7. Page 7, line 19.

Following: "institution or"

Strike: "e chartered"

Insert: "as accredited"

8. Page 7, line 22 through line 2 on page 8.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

9. Page 8, line 17.

Following: "public as a"

Strike: "dietician or a"

10. Page 11, line 25.

Following: "years;"

Insert: ", except that for five years after the effective date of this act the number of years of licensure required for the nutritionist member is no greater than the number of years this act has been in effect."

AND AS AMENDED,
BE CONCURRED IN.....
Senator Eck, Chairperson