

1 House BILL NO. 509
2 INTRODUCED BY Bengton Feily

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 NURSING PRACTICE ACT BY AMENDING SECTIONS 66-1222, 66-1225,
6 66-1226, 66-1228, 66-1232, AND 66-1239, R.C.M. 1947."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 66-1222, R.C.M. 1947, is amended to
10 read as follows:

11 "66-1222. Definitions--identification of board when
12 administering act for professional nursing and for practical
13 nursing. Unless the context requires otherwise, in this act:

14 (1) "Board" means the board of nursing, provided for in
15 section 82A-1602.18 with dual functions in the field of
16 professional nursing and practical nursing. In matters
17 relating to professional nursing the board consists of five
18 (5) members. In matters relating to practical nursing the
19 board consists of eight (8) members. The board of five (5)
20 members may for convenience be referred to as the board
21 followed by the words "professional nursing administration,"
22 and the board of eight (8) members may, for convenience, be
23 referred to as the board followed by the words "practical
24 nursing administration."

25 (2) "Department" means the department of professional

1 and occupational licensing, provided for in Title 82A,
2 chapter 16.

3 (3) "Practice of nursing" embraces two (2) classes of
4 nursing service and activity, as follows:

5 (a) "Practice of professional nursing" means the
6 performance for compensation of an act in the observation,
7 care, and counsel of the ill, injured, or infirm, or in the
8 maintenance of health, or prevention of illness of others,
9 or in the supervision and teaching of other personnel, or
10 the administration of medications and treatments prescribed
11 by a person licensed in this state to prescribe medications
12 and treatments; requiring substantial specialized judgment
13 and skill and based on knowledge and application of the
14 principles of biological, physical, and social science. ~~The~~
15 ~~term-does-not-include-acts-of-diagnosis-or--prescription--of~~
16 ~~therapeutic-or-corrective-measures.~~

17 (b) "Practice of practical nursing" means the
18 performance for compensation in the care of the ill,
19 injured, or infirm, of acts selected by and performed under
20 the direction of a registered professional nurse, or a
21 person licensed in this state to prescribe medications and
22 treatments; and not requiring the substantial specialized
23 skill, judgment, and knowledge required in professional
24 nursing."

25 Section 2. Section 66-1225, R.C.M. 1947, is amended to

1 read as follows:

2 "66-1225. Organization--duties and powers--separation
3 of records responsive to functions of board--dual
4 administrations to be exclusive of each other. (1) The
5 board--practical nursing administration, shall meet annually
6 in the month of July and shall elect from among the eight
7 (8) members a president and a secretary, each of whom is a
8 professional nurse. The board--practical nursing
9 administration, shall hold other meetings when necessary to
10 transact its business. The board--professional nursing
11 administration, shall meet annually in July and shall hold
12 other meetings when necessary to transact its business. A
13 majority of the board, as separately constituted for each
14 administration, including in the majority at least one
15 officer of the board, constitutes a quorum at any meeting;
16 however, when sitting as the practical nursing
17 administration, a quorum consists of a minimum of two (2)
18 practical nurse members and three (3) professional nurse
19 members, including one board officer. The department shall
20 keep separate and complete minutes and records of the
21 respective administration meetings and rules and orders
22 promulgated by each administration of the board, and each
23 administration shall exercise its functions, powers, and
24 duties exclusive of the other, except for the identity and
25 membership provided in this act.

1 (2) The board under each administration may make rules
2 necessary to enable the respective administrations to
3 administer this act. The board under each administration
4 shall prescribe curricula and standards for schools and
5 courses preparing persons for registration and licensure
6 under this act. It shall provide for surveys of schools and
7 courses at times it considers necessary. It shall approve
8 schools and courses that meet the requirements of this act
9 and of the board. It shall evaluate and approve courses for
10 affiliation of student nurses and other courses in nursing
11 or nursing care. The department shall, subject to section
12 82A-1603, examine, issue to, and renew licenses of qualified
13 applicants. The board shall conduct hearings on charges
14 calling for discipline of a licensee, revocation of a
15 license, or removal of schools of nursing from the approved
16 list. It shall cause the prosecution of persons violating
17 this act and may incur necessary expenses for this.

18 (3) The board under each administration may adopt and
19 the department shall publish forms for use by applicants and
20 others, including license, certificate, and identity forms,
21 and other appropriate forms and publications convenient for
22 the proper administration of this act, and the board may fix
23 reasonable fees for incidental services, all within the
24 subject matter delegated to each administration by this act.
25 Forms shall make clear reference to the administration for

1 which the form is intended.

2 (4) Unless the context requires otherwise, the powers
3 and duties enumerated in this act shall be exercised and
4 performed by the board--professional nursing administration,
5 in all matters relating to professional nurses or
6 professional nursing education, and shall be exercised and
7 performed by the board inclusive of the practical nursing
8 administration in all matters relating to practical nurses
9 and practical nursing education. The officers of the board
10 shall also be the officers of the board inclusive of the
11 practical nursing administration."

12 Section 3. Section 66-1226, R.C.M. 1947, is amended to
13 read as follows:

14 "66-1226. Reimbursement for expenses--compensation.
15 Each member of the board shall be paid mileage as provided
16 in section 59-801 and actual and necessary expenses, and in
17 addition, ~~fifteen--dollars--(\$15)~~ twenty-five dollars (\$25)
18 per day for each day actually engaged in the discharge of
19 duties under this act, including the time spent in actual
20 attendance at a meeting of the board and in direct travel to
21 and from meetings, and a reasonable number of days for the
22 preparation and administration of examinations."

23 Section 4. Section 66-1228, R.C.M. 1947, is amended to
24 read as follows:

25 "66-1228. License--by examination--by endorsement

1 without examination--license fees. (1) An applicant for a
2 license to practice professional nursing is required to pass
3 a written examination in subjects the board, acting under
4 the professional nursing administration, determines. A
5 written examination may be supplemented by an oral or
6 practical examination. On successfully passing the
7 examination, the department shall issue to the applicant a
8 license to practice nursing as a registered professional
9 nurse. The applicant shall pay a fee of twenty-five dollars
10 (\$25) at the time the application is submitted, which shall
11 be returned to the applicant if the application is withdrawn
12 not later than five (5) days prior to the date of
13 examination, or if the examination is not taken, subject to
14 deduction by the department of one dollar (\$1) per subject
15 of the examination which shall be retained by the
16 department.

17 (2) The board--professional nursing administration, may
18 issue a license to practice nursing as a registered
19 professional nurse without examination, to an applicant who
20 has been licensed or registered as a professional nurse
21 under the laws of another state, or territory, ~~or--country,~~
22 if in the opinion of the board the applicant meets the
23 qualifications required of registered nurses in this state
24 at the time the applicant graduated from a school of
25 nursing. The applicant shall pay a fee of twenty-five

1 dollars (\$25) at the time the application is submitted,
 2 which shall be returned to the applicant if the application
 3 is withdrawn not later than five (5) days prior to final
 4 submission of the application to the board, subject to
 5 deduction of five dollars (\$5), to be retained by the
 6 department.

7 (3) An applicant may, pending ~~application-for licensure~~
 8 as a professional ~~nursing-license nurse~~ under subsections
 9 (2) of this section, practice professional nursing as an
 10 employee of a ~~physician, or in a hospital or public~~ health
 11 care agency for a period not longer than three (3) months
 12 from the date the department acknowledges receiving from the
 13 nurse a completed statement, on a form provided by the
 14 department, of intention to practice. The statement shall
 15 consist of an affidavit by the nurse; and an affidavit by
 16 the ~~physician employer or by the administrator, assistant~~
 17 ~~administrator, or director of nursing of a hospital or~~
 18 ~~public health agency~~ where the nurse intends to practice
 19 professional nursing. The affidavit of the nurse and the
 20 affidavit of the ~~physician employer or administrator,~~
 21 ~~assistant administrator or director of nursing of the~~
 22 ~~hospital or public health agency~~ shall contain the
 23 information deemed by the board necessary for the statement.
 24 This subsection does not permit the nurse to practice for
 25 more than a three (3) month period, or in any event, after

1 being notified by the board, through the department, that
 2 the application for a license has been denied, or, in all
 3 cases, after being notified by the board, through the
 4 department, to cease and desist this practice. Notice shall
 5 be given by registered or certified mail to the address of
 6 the applicant as it appears in the statement of the
 7 applicant."

8 Section 5. Section 66-1232, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-1232. License of practical nurse by
 11 examination--by endorsement without examination. (1) An
 12 applicant for a license to practice as a practical nurse is
 13 required to pass a written examination in subjects as the
 14 board, acting under the practical nursing administration,
 15 determines. A written examination may be supplemented by an
 16 oral or practical examination. On successfully passing the
 17 examination the department shall issue to the applicant a
 18 license to practice as a licensed practical nurse.

19 (2) The board--practical nursing administration, may
 20 issue a license to practice as a licensed practical nurse
 21 without examination to an applicant who has been licensed or
 22 registered as a licensed practical nurse or person entitled
 23 to perform like services under a different title under the
 24 laws of another state, or territory, ~~or country~~, if in the
 25 opinion of the practical nursing administration the

1 applicant meets the requirements for practical nurses in
2 this state.

3 (3) An applicant may, pending ~~application-for licensure~~
4 as a practical nursing-license nurse under subsection (2) of
5 this section, practice practical nursing as an employee of a
6 ~~physician--or-in-a-hospital-or-public~~ health care agency for
7 a period of not longer than three (3) months from the date
8 the department acknowledges receiving from the practical
9 nurse a completed statement, on a form provided by the
10 department, of intention to practice. The statement shall
11 consist of an affidavit by the practical nurse; and an
12 affidavit by the ~~physician employer or-by-the-administrator,~~
13 ~~assistant---administrator,--or--director--of--nursing--of--a~~
14 ~~hospital-or-public-health-agency~~ where the practical nurse
15 intends to practice practical nursing. The affidavit of the
16 nurse and the affidavit of the ~~physician employer or~~
17 ~~administrator,---assistant--administrator,--or--director--of~~
18 ~~nursing-of--the--hospital--or--public--health--agency~~ shall
19 contain the information considered by the board necessary
20 for the statement. This subsection does not permit the nurse
21 to practice for more than a three (3) month period, or in
22 any event, after being notified by the board, through the
23 department, that the application for a license has been
24 denied, or in all cases, after being notified by the board,
25 through the department, to cease and desist this practice.

1 Notice shall be given by registered or certified mail to the
2 address of the applicant as it appears in the statement of
3 application."

4 Section 6. Section 66-1239, R.C.M. 1947, is amended to
5 read as follows:

6 "66-1239. Survey and approval--secretary. (1) A survey
7 of the school and institution or institutions with which the
8 school is to be affiliated shall be made by the department,
9 which shall submit a detailed written report of the survey
10 to the board. If, in the opinion of the board, the
11 requirements for an approved school of nursing (professional
12 or practical) are met, it shall approve the school as an
13 approved school of nursing.

14 (2) When the board determines that an approved school
15 of nursing is not maintaining the standards required by law
16 and by the board, notice in writing specifying the defect
17 shall be immediately given to the school. A school which
18 fails to correct these conditions to the satisfaction of the
19 board within a reasonable time shall be removed from the
20 list of approved schools of nursing.

21 (3) Any secretary hired by the department to provide
22 services to the board in connection with the board's duties
23 of prescribing curricula and standards for nursing schools,
24 making surveys of and approving schools and courses,
25 evaluating and approving courses for affiliation of student

1 nurses, and reviewing qualifications of applicants for
2 licensure for the board shall first be approved by the board
3 and shall be:

4 (a) A citizen of the United States;

5 (b) A graduate of an approved school of nursing;

6 (c) A holder of at least a ~~bachelor's~~ master's degree
7 with post graduate courses in nursing.

8 (d) A registered professional nurse with at least five
9 (5) years' experience in teaching or administration in an
10 approved school of nursing."

-End-

Approved by Committee
on Public Health, Welfare
& Safety

HOUSE BILL NO. 509

INTRODUCED BY BENGTON, FINLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
NURSING PRACTICE ACT BY AMENDING SECTIONS 66-1222, 66-1225,
66-1226, 66-1228, 66-1232, AND 66-1239, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 66-1222, R.C.M. 1947, is amended to
read as follows:

"66-1222. Definitions--identification of board when
administering act for professional nursing and for practical
nursing. Unless the context requires otherwise, in this act:

(1) "Board" means the board of nursing, provided for in
section 82A-1602.18 with dual functions in the field of
professional nursing and practical nursing. In matters
relating to professional nursing the board consists of five
(5) members. In matters relating to practical nursing the
board consists of eight (8) members. The board of five (5)
members may for convenience be referred to as the board
followed by the words "professional nursing administration,"
and the board of eight (8) members may, for convenience, be
referred to as the board followed by the words "practical
nursing administration."

(2) "Department" means the department of professional

and occupational licensing, provided for in Title 82A,
chapter 16.

(3) "Practice of nursing" embraces two (2) classes of
nursing service and activity, as follows:

(a) "Practice of professional nursing" means the
performance for compensation of an act in the observation,
care, and counsel of the ill, injured, or infirm, or in the
maintenance of health, or prevention of illness of others,
or in the supervision and teaching of other personnel, or
the administration of medications and treatments prescribed
by a person licensed in this state to prescribe medications
and treatments; requiring substantial specialized judgment
and skill and based on knowledge and application of the
principles of biological, physical, and social science. ~~The
term does not include acts of diagnosis or prescription of
therapeutic or corrective measures.~~

(b) "Practice of practical nursing" means the
performance for compensation in the care of the ill,
injured, or infirm, of acts selected by and performed under
the direction of a registered professional nurse, or a
person licensed in this state to prescribe medications and
treatments; and not requiring the substantial specialized
skill, judgment, and knowledge required in professional
nursing."

Section 2. Section 66-1225, R.C.M. 1947, is amended to

1 read as follows:

2 *66-1225. Organization--duties and powers--separation
 3 of records responsive to functions of board--dual
 4 administrations to be exclusive of each other. (1) The
 5 board--practical nursing administration, shall meet annually
 6 in the month of July and shall elect from among the eight
 7 (8) members a president and a secretary, each of whom is a
 8 professional nurse. The board--practical nursing
 9 administration, shall hold other meetings when necessary to
 10 transact its business. The board--professional nursing
 11 administration, shall meet annually in July and shall hold
 12 other meetings when necessary to transact its business. A
 13 majority of the board, as separately constituted for each
 14 administration, including in the majority at least one
 15 officer of the board, constitutes a quorum at any meeting;
 16 however, when sitting as the practical nursing
 17 administration, a quorum consists of a minimum of two (2)
 18 practical nurse members and three (3) professional nurse
 19 members, including one board officer. The department shall
 20 keep separate and complete minutes and records of the
 21 respective administration meetings and rules and orders
 22 promulgated by each administration of the board, and each
 23 administration shall exercise its functions, powers, and
 24 duties exclusive of the other, except for the identity and
 25 membership provided in this act.

1 (2) The board under each administration may make rules
 2 necessary to enable the respective administrations to
 3 administer this act. The board under each administration
 4 shall prescribe curricula and standards for schools and
 5 courses preparing persons for registration and licensure
 6 under this act. It shall provide for surveys of schools and
 7 courses at times it considers necessary. It shall approve
 8 schools and courses that meet the requirements of this act
 9 and of the board. ~~It shall evaluate and approve courses for~~
 10 ~~affiliation of student nurses and other courses in nursing~~
 11 ~~or nursing care.~~ The department shall, subject to section
 12 82A-1603, examine, issue to, and renew licenses of qualified
 13 applicants. The board shall conduct hearings on charges
 14 calling for discipline of a licensee, revocation of a
 15 license, or removal of schools of nursing from the approved
 16 list. It shall cause the prosecution of persons violating
 17 this act and may incur necessary expenses for this.

18 (3) The board under each administration may adopt and
 19 the department shall publish forms for use by applicants and
 20 others, including license, certificate, and identity forms,
 21 and other appropriate forms and publications convenient for
 22 the proper administration of this act, and the board may fix
 23 reasonable fees for incidental services, all within the
 24 subject matter delegated to each administration by this act.
 25 Forms shall make clear reference to the administration for

1 which the form is intended.

2 (4) Unless the context requires otherwise, the powers
3 and duties enumerated in this act shall be exercised and
4 performed by the board--professional nursing administration,
5 in all matters relating to professional nurses or
6 professional nursing education, and shall be exercised and
7 performed by the board inclusive of the practical nursing
8 administration in all matters relating to practical nurses
9 and practical nursing education. The officers of the board
10 shall also be the officers of the board inclusive of the
11 practical nursing administration."

12 Section 3. Section 66-1226, R.C.M. 1947, is amended to
13 read as follows:

14 "66-1226. Reimbursement for expenses--compensation.
15 Each member of the board shall be paid mileage as provided
16 in section 59-801 and actual and necessary expenses, and in
17 addition, ~~fifteen--dollars--(\$15)~~ twenty-five dollars (\$25)
18 per day for each day actually engaged in the discharge of
19 duties under this act, including the time spent in actual
20 attendance at a meeting of the board and in direct travel to
21 and from meetings, and a reasonable number of days for the
22 preparation and administration of examinations."

23 Section 4. Section 66-1228, R.C.M. 1947, is amended to
24 read as follows:

25 "66-1228. License--by examination--by endorsement

1 without examination--license fees. (1) An applicant for a
2 license to practice professional nursing is required to pass
3 a written examination in subjects the board, acting under
4 the professional nursing administration, determines. A
5 written examination may be supplemented by an oral or
6 practical examination. On successfully passing the
7 examination, the department shall issue to the applicant a
8 license to practice nursing as a registered professional
9 nurse. The applicant shall pay a fee of twenty-five dollars
10 (\$25) at the time the application is submitted, which shall
11 be returned to the applicant if the application is withdrawn
12 not later than five (5) days prior to the date of
13 examination, or if the examination is not taken, subject to
14 deduction by the department of one dollar (\$1) per subject
15 of the examination which shall be retained by the
16 department.

17 (2) The board--professional nursing administration, may
18 issue a license to practice nursing as a registered
19 professional nurse without examination, to an applicant who
20 has been licensed or registered as a professional nurse
21 under the laws of another state, or territory, ~~or--country,~~
22 if in the opinion of the board the applicant meets the
23 qualifications required of registered nurses in this state
24 at the time the applicant graduated from a school of
25 nursing. The applicant shall pay a fee of twenty-five

1 dollars (\$25) at the time the application is submitted,
2 which shall be returned to the applicant if the application
3 is withdrawn not later than five (5) days prior to final
4 submission of the application to the board, subject to
5 deduction of five dollars (\$5), to be retained by the
6 department.

7 (3) An applicant may, pending ~~application-for licensure~~
8 ~~as a professional nursing-license nurse~~ under subsections
9 (2) of this section, practice professional nursing as an
10 employee of a ~~physician-or-in-a-hospital-or--public~~ health
11 ~~care~~ agency for a period not longer than three (3) months
12 from the date the department acknowledges receiving from the
13 nurse a completed statement, on a form provided by the
14 department, of intention to practice. The statement shall
15 consist of an affidavit by the nurse, and an affidavit by
16 the ~~physician employer or-by-the-administrator,-assistant~~
17 ~~administrator,-or-director--of--nursing--of--a--hospital--or~~
18 ~~public--health--agency~~ where the nurse intends to practice
19 professional nursing. The affidavit of the nurse and the
20 affidavit of the ~~physician employer or--administrator,-~~
21 ~~assistant--administrator--or--director--of--nursing--of--the~~
22 ~~hospital---or---public---health--agency~~ shall contain the
23 information deemed by the board necessary for the statement.
24 This subsection does not permit the nurse to practice for
25 more than a three (3) month period, or in any event, after

1 being notified by the board, through the department, that
2 the application for a license has been denied, or, in all
3 cases, after being notified by the board, through the
4 department, to cease and desist this practice. Notice shall
5 be given by registered or certified mail to the address of
6 the applicant as it appears in the statement of the
7 applicant."

8 Section 5. Section 66-1232, R.C.M. 1947, is amended to
9 read as follows:

10 "66-1232. License of practical nurse by
11 examination--by endorsement without examination. (1) An
12 applicant for a license to practice as a practical nurse is
13 required to pass a written examination in subjects as the
14 board, acting under the practical nursing administration,
15 determines. A written examination may be supplemented by an
16 oral or practical examination. On successfully passing the
17 examination the department shall issue to the applicant a
18 license to practice as a licensed practical nurse.

19 (2) The board--practical nursing administration, may
20 issue a license to practice as a licensed practical nurse
21 without examination to an applicant who has been licensed or
22 registered as a licensed practical nurse or person entitled
23 to perform like services under a different title under the
24 laws of another state, or territory, ~~or-country~~, if in the
25 opinion of the practical nursing administration the

1 applicant meets the requirements for practical nurses in
2 this state.

3 (3) An applicant may, pending ~~application-for licensure~~
4 as a practical nursing-license nurse under subsection (2) of
5 this section, practice practical nursing as an employee of a
6 ~~physician--or-in-a-hospital-or-public~~ health care agency for
7 a period of not longer than three (3) months from the date
8 the department acknowledges receiving from the practical
9 nurse a completed statement, on a form provided by the
10 department, of intention to practice. The statement shall
11 consist of an affidavit by the practical nurse; and an
12 affidavit by the ~~physician employer or-by-the-administratory~~
13 ~~assistant---administrator,--or--director--of--nursing--of--a~~
14 ~~hospital-or-public-health-agency~~ where the practical nurse
15 intends to practice practical nursing. The affidavit of the
16 nurse and the affidavit of the ~~physietian~~ employer ~~or~~
17 ~~administrator,---assistant--administrator,--or--director--of~~
18 ~~nursing-of--the--hospital--or--public--health--agency~~ shall
19 contain the information considered by the board necessary
20 for the statement. This subsection does not permit the nurse
21 to practice for more than a three (3) month period, or in
22 any event, after being notified by the board, through the
23 department, that the application for a license has been
24 denied, or in all cases, after being notified by the board,
25 through the department, to cease and desist this practice.

1 Notice shall be given by registered or certified mail to the
2 address of the applicant as it appears in the statement of
3 application."

4 Section 6. Section 66-1239, R.C.M. 1947, is amended to
5 read as follows:

6 "66-1239. Survey and approval--secretary. (1) A survey
7 of the school and institution or institutions with which the
8 school is to be affiliated shall be made by the department,
9 which shall submit a detailed written report of the survey
10 to the board. If, in the opinion of the board, the
11 requirements for an approved school of nursing (professional
12 or practical) are met, it shall approve the school as an
13 approved school of nursing.

14 (2) When the board determines that an approved school
15 of nursing is not maintaining the standards required by law
16 and by the board, notice in writing specifying the defect
17 shall be immediately given to the school. A school which
18 fails to correct these conditions to the satisfaction of the
19 board within a reasonable time shall be removed from the
20 list of approved schools of nursing.

21 (3) Any secretary hired by the department to provide
22 services to the board in connection with the board's duties
23 of prescribing curricula and standards for nursing schools,
24 making surveys of and approving schools and courses,
25 evaluating and approving courses for affiliation of student

1 nurses, and reviewing qualifications of applicants for
2 licensure for the board shall first be approved by the board
3 and shall be:

- 4 (a) A citizen of the United States;
5 (b) A graduate of an approved school of nursing;
6 (c) A holder of at least a ~~bachelor's~~ master's degree
7 with post graduate courses in nursing.
8 (d) A registered professional nurse with at least five
9 (5) years' experience in teaching or administration in an
10 approved school of nursing."

-End-

HOUSE BILL NO. 509

INTRODUCED BY BENGTSON, FINLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE NURSING PRACTICE ACT BY AMENDING SECTIONS 66-1222, 66-1225, 66-1226, 66-1228, 66-1232, AND 66-1239, R.C.M. 1947."

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(1) "Board" means the board of nursing, provided for in section 82A-1602.18 with dual functions in the field of professional nursing and practical nursing. In matters relating to professional nursing the board consists of five (5) members. In matters relating to practical nursing the board consists of eight (8) members. The board of five (5) members may for convenience be referred to as the board followed by the words "professional nursing administration," and the board of eight (8) members may, for convenience, be referred to as the board followed by the words "practical nursing administration."

(2) "Department" means the department of professional

and occupational licensing, provided for in Title 82A, chapter 16.

(3) "Practice of nursing" embraces two (2) classes of nursing service and activity, as follows:

(a) "Practice of professional nursing" means the performance for compensation of an act in the observation, care, and counsel of the ill, injured, or infirm, or in the maintenance of health, or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications and treatments prescribed by a person licensed in this state to prescribe medications and treatments; requiring substantial specialized judgment and skill and based on knowledge and application of the principles of biological, physical, and social science. ~~The term does not include acts of diagnosis or prescription of therapeutic or corrective measures.~~

(b) "Practice of practical nursing" means the performance for compensation in the care of the ill, injured, or infirm, of acts selected by and performed under the direction of a registered professional nurse, or a person licensed in this state to prescribe medications and treatments; and not requiring the substantial specialized skill, judgment, and knowledge required in professional nursing."

Section 2. Section 66-1225, R.C.M. 1947, is amended to

1 read as follows:

2 "66-1225. Organization--duties and powers--separation
3 of records responsive to functions of board--dual
4 administrations to be exclusive of each other. (1) The
5 board--practical nursing administration, shall meet annually
6 in the month of July and shall elect from among the eight
7 (8) members a president and a secretary, each of whom is a
8 professional nurse. The board--practical nursing
9 administration, shall hold other meetings when necessary to
10 transact its business. The board--professional nursing
11 administration, shall meet annually in July and shall hold
12 other meetings when necessary to transact its business. A
13 majority of the board, as separately constituted for each
14 administration, including in the majority at least one
15 officer of the board, constitutes a quorum at any meeting;
16 however, when sitting as the practical nursing
17 administration, a quorum consists of a minimum of two (2)
18 practical nurse members and three (3) professional nurse
19 members, including one board officer. The department shall
20 keep separate and complete minutes and records of the
21 respective administration meetings and rules and orders
22 promulgated by each administration of the board, and each
23 administration shall exercise its functions, powers, and
24 duties exclusive of the other, except for the identity and
25 membership provided in this act.

1 (2) The board under each administration may make rules
2 necessary to enable the respective administrations to
3 administer this act. The board under each administration
4 shall prescribe curricula and standards for schools and
5 courses preparing persons for registration and licensure
6 under this act. It shall provide for surveys of schools and
7 courses at times it considers necessary. It shall approve
8 schools and courses that meet the requirements of this act
9 and of the board. ~~It shall evaluate and approve courses--for~~
10 ~~affiliation--of--student-nurses--and--other--courses--in--nursing~~
11 ~~or--nursing--care.~~ The department shall, subject to section
12 82A-1603, examine, issue to, and renew licenses of qualified
13 applicants. The board shall conduct hearings on charges
14 calling for discipline of a licensee, revocation of a
15 license, or removal of schools of nursing from the approved
16 list. It shall cause the prosecution of persons violating
17 this act and may incur necessary expenses for this.

18 (3) The board under each administration may adopt and
19 the department shall publish forms for use by applicants and
20 others, including license, certificate, and identity forms,
21 and other appropriate forms and publications convenient for
22 the proper administration of this act, and the board may fix
23 reasonable fees for incidental services, all within the
24 subject matter delegated to each administration by this act.
25 Forms shall make clear reference to the administration for

1 which the form is intended.

2 (4) Unless the context requires otherwise, the powers
 3 and duties enumerated in this act shall be exercised and
 4 performed by the board--professional nursing administration,
 5 in all matters relating to professional nurses or
 6 professional nursing education, and shall be exercised and
 7 performed by the board inclusive of the practical nursing
 8 administration in all matters relating to practical nurses
 9 and practical nursing education. The officers of the board
 10 shall also be the officers of the board inclusive of the
 11 practical nursing administration."

12 Section 3. Section 66-1226, R.C.M. 1947, is amended to
 13 read as follows:

14 "66-1226. Reimbursement for expenses--compensation.
 15 Each member of the board shall be paid mileage as provided
 16 in section 59-801 and actual and necessary expenses, and in
 17 addition, ~~fifteen--dollars--(\$15)~~ twenty-five dollars (\$25)
 18 per day for each day actually engaged in the discharge of
 19 duties under this act, including the time spent in actual
 20 attendance at a meeting of the board and in direct travel to
 21 and from meetings, and a reasonable number of days for the
 22 preparation and administration of examinations."

23 Section 4. Section 66-1228, R.C.M. 1947, is amended to
 24 read as follows:

25 "66-1228. License--by examination--by endorsement

1 without examination--license fees. (1) An applicant for a
 2 license to practice professional nursing is required to pass
 3 a written examination in subjects the board, acting under
 4 the professional nursing administration, determines. A
 5 written examination may be supplemented by an oral or
 6 practical examination. On successfully passing the
 7 examination, the department shall issue to the applicant a
 8 license to practice nursing as a registered professional
 9 nurse. The applicant shall pay a fee of twenty-five dollars
 10 (\$25) at the time the application is submitted, which shall
 11 be returned to the applicant if the application is withdrawn
 12 not later than five (5) days prior to the date of
 13 examination, or if the examination is not taken, subject to
 14 deduction by the department of one dollar (\$1) per subject
 15 of the examination which shall be retained by the
 16 department.

17 (2) The board--professional nursing administration, may
 18 issue a license to practice nursing as a registered
 19 professional nurse without examination, to an applicant who
 20 has been licensed or registered as a professional nurse
 21 under the laws of another state, or territory, ~~or--country,~~
 22 if in the opinion of the board the applicant meets the
 23 qualifications required of registered nurses in this state
 24 at the time the applicant graduated from a school of
 25 nursing. The applicant shall pay a fee of twenty-five

1 dollars (\$25) at the time the application is submitted,
 2 which shall be returned to the applicant if the application
 3 is withdrawn not later than five (5) days prior to final
 4 submission of the application to the board, subject to
 5 deduction of five dollars (\$5), to be retained by the
 6 department.

7 (3) An applicant may, pending ~~application-for licensure~~
 8 ~~as a professional nursing-license nurse~~ under subsections

9 (2) of this section, practice professional nursing as an
 10 employee of a ~~physician-or-in-a-hospital-or--public~~ health
 11 ~~care~~ agency for a period not longer than three (3) months
 12 from the date the department acknowledges receiving from the
 13 nurse a completed statement, on a form provided by the
 14 department, of intention to practice. The statement shall
 15 consist of an affidavit by the nurse; and an affidavit by
 16 the ~~physician employer or-by-the-administrator,-assistant~~
 17 ~~administrator,-or-director--of--nursing--of--a--hospital--or~~
 18 ~~public--health--agency~~ where the nurse intends to practice
 19 professional nursing. The affidavit of the nurse and the
 20 affidavit of the ~~physician employer or--administratory~~
 21 ~~assistant--administrator--or--director--of--nursing--of--the~~
 22 ~~hospital---or---public---health--agency~~ shall contain the
 23 information deemed by the board necessary for the statement.
 24 This subsection does not permit the nurse to practice for
 25 more than a three (3) month period, or in any event, after

1 being notified by the board, through the department, that
 2 the application for a license has been denied, or, in all
 3 cases, after being notified by the board, through the
 4 department, to cease and desist this practice. Notice shall
 5 be given by registered or certified mail to the address of
 6 the applicant as it appears in the statement of the
 7 applicant."

8 Section 5. Section 66-1232, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-1232. License of practical nurse by
 11 examination--by endorsement without examination. (1) An
 12 applicant for a license to practice as a practical nurse is
 13 required to pass a written examination in subjects as the
 14 board, acting under the practical nursing administration,
 15 determines. A written examination may be supplemented by an
 16 oral or practical examination. On successfully passing the
 17 examination the department shall issue to the applicant a
 18 license to practice as a licensed practical nurse.

19 (2) The board--practical nursing administration, may
 20 issue a license to practice as a licensed practical nurse
 21 without examination to an applicant who has been licensed or
 22 registered as a licensed practical nurse or person entitled
 23 to perform like services under a different title under the
 24 laws of another state, or territory, ~~or-country~~, if in the
 25 opinion of the practical nursing administration the

1 applicant meets the requirements for practical nurses in
2 this state.

3 (3) An applicant may, pending ~~application-for licensure~~
4 ~~as a practical nursing-license nurse~~ under subsection (2) of
5 this section, practice practical nursing as an employee of a
6 ~~physician--or-in-a-hospital-or-public~~ health care agency for
7 a period of not longer than three (3) months from the date
8 the department acknowledges receiving from the practical
9 nurse a completed statement, on a form provided by the
10 department, of intention to practice. The statement shall
11 consist of an affidavit by the practical nurse; and an
12 affidavit by the ~~physician~~ employer ~~or-by-the-administrator,~~
13 ~~assistant---administrator,--or--director--of--nursing--of--a~~
14 ~~hospital-or-public-health-agency~~ where the practical nurse
15 intends to practice practical nursing. The affidavit of the
16 nurse and the affidavit of the ~~physician~~ employer ~~or~~
17 ~~adminis:trator,---assistant--administrator,--or--director--of~~
18 ~~nursing-of--the--hospital--or--public--health--agency~~ shall
19 contain the information considered by the board necessary
20 for the statement. This subsection does not permit the nurse
21 to practice for more than a three (3) month period, or in
22 any event, after being notified by the board, through the
23 department, that the application for a license has been
24 denied, or in all cases, after being notified by the board,
25 through the department, to cease and desist this practice.

1 Notice shall be given by registered or certified mail to the
2 address of the applicant as it appears in the statement of
3 application."

4 Section 6. Section 66-1239, R.C.M. 1947, is amended to
5 read as follows:

6 "66-1239. Survey and approval--secretary. (1) A survey
7 of the school and institution or institutions with which the
8 school is to be affiliated shall be made by the department,
9 which shall submit a detailed written report of the survey
10 to the board. If, in the opinion of the board, the
11 requirements for an approved school of nursing (professional
12 or practical) are met, it shall approve the school as an
13 approved school of nursing.

14 (2) When the board determines that an approved school
15 of nursing is not maintaining the standards required by law
16 and by the board, notice in writing specifying the defect
17 shall be immediately given to the school. A school which
18 fails to correct these conditions to the satisfaction of the
19 board within a reasonable time shall be removed from the
20 list of approved schools of nursing.

21 (3) Any secretary hired by the department to provide
22 services to the board in connection with the board's duties
23 of prescribing curricula and standards for nursing schools,
24 making surveys of and approving schools and courses,
25 evaluating and approving courses for affiliation of student

1 nurses, and reviewing qualifications of applicants for
2 licensure for the board shall first be approved by the board
3 and shall be:

- 4 (a) A citizen of the United States;
5 (b) A graduate of an approved school of nursing;
6 (c) A holder of at least a ~~bachelor's~~ master's degree
7 with post graduate courses in nursing.
8 (d) A registered professional nurse with at least five
9 (5) years' experience in teaching or administration in an
10 approved school of nursing."

-End-

1 HOUSE BILL NO. 509

2 INTRODUCED BY BENGTON, FINLEY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 NURSING PRACTICE ACT BY AMENDING SECTIONS 66-1222, 66-1225,
6 66-1226, 66-1228, 66-1232, AND 66-1239, R.C.M. 1947."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9
10 Section 1. Section 66-1222, R.C.M. 1947, is amended to
11 read as follows:12
13 "66-1222. Definitions--identification of board when
14 administering act for professional nursing and for practical
15 nursing. Unless the context requires otherwise, in this act:

16 (1) "Board" means the board of nursing, provided for in
17 section 82A-1602.18 with dual functions in the field of
18 professional nursing and practical nursing. In matters
19 relating to professional nursing the board consists of five
20 (5) members. In matters relating to practical nursing the
21 board consists of eight (8) members. The board of five (5)
22 members may for convenience be referred to as the board
23 followed by the words "professional nursing administration,"
24 and the board of eight (8) members may, for convenience, be
25 referred to as the board followed by the words "practical
nursing administration."

(2) "Department" means the department of professional

1 and occupational licensing, provided for in Title 32A,
2 chapter 16.

3 (3) "Practice of nursing" embraces two (2) classes of
4 nursing service and activity, as follows:

5 (a) "Practice of professional nursing" means the
6 performance for compensation of an act in the observation,
7 care, and counsel of the ill, injured, or infirm, or in the
8 maintenance of health, or prevention of illness of others,
9 or in the supervision and teaching of other personnel, or
10 the administration of medications and treatments prescribed
11 by a person licensed in this state to prescribe medications
12 and treatments; requiring substantial specialized judgment
13 and skill and based on knowledge and application of the
14 principles of biological, physical, and social science. ~~The~~
15 ~~term-does-not-include-acts-of-diagnosis-or--prescription--of~~
16 ~~therapeutic-or-corrective-measures.~~

17 (b) "Practice of practical nursing" means the
18 performance for compensation in the care of the ill,
19 injured, or infirm, of acts selected by and performed under
20 the direction of a registered professional nurse, or a
21 person licensed in this state to prescribe medications and
22 treatments; and not requiring the substantial specialized
23 skill, judgment, and knowledge required in professional
24 nursing."

25 Section 2. Section 66-1225, R.C.M. 1947, is amended to

1 read as follows:

2 "66-1225. Organization--duties and powers--separation
 3 of records responsive to functions of board--dual
 4 administrations to be exclusive of each other. (1) The
 5 board--practical nursing administration, shall meet annually
 6 in the month of July and shall elect from among the eight
 7 (8) members a president and a secretary, each of whom is a
 8 professional nurse. The board--practical nursing
 9 administration, shall hold other meetings when necessary to
 10 transact its business. The board--professional nursing
 11 administration, shall meet annually in July and shall hold
 12 other meetings when necessary to transact its business. A
 13 majority of the board, as separately constituted for each
 14 administration, including in the majority at least one
 15 officer of the board, constitutes a quorum at any meeting;
 16 however, when sitting as the practical nursing
 17 administration, a quorum consists of a minimum of two (2)
 18 practical nurse members and three (3) professional nurse
 19 members, including one board officer. The department shall
 20 keep separate and complete minutes and records of the
 21 respective administration meetings and rules and orders
 22 promulgated by each administration of the board, and each
 23 administration shall exercise its functions, powers, and
 24 duties exclusive of the other, except for the identity and
 25 membership provided in this act.

1 (2) The board under each administration may make rules
 2 necessary to enable the respective administrations to
 3 administer this act. The board under each administration
 4 shall prescribe curricula and standards for schools and
 5 courses preparing persons for registration and licensure
 6 under this act. It shall provide for surveys of schools and
 7 courses at times it considers necessary. It shall approve
 8 schools and courses that meet the requirements of this act
 9 and of the board. ~~It shall evaluate and approve courses for~~
 10 ~~affiliation of student nurses and other courses in nursing~~
 11 ~~or nursing care.~~ The department shall, subject to section
 12 92A-1603, examine, issue to, and renew licenses of qualified
 13 applicants. The board shall conduct hearings on charges
 14 calling for discipline of a licensee, revocation of a
 15 license, or removal of schools of nursing from the approved
 16 list. It shall cause the prosecution of persons violating
 17 this act and may incur necessary expenses for this.

18 (3) The board under each administration may adopt and
 19 the department shall publish forms for use by applicants and
 20 others, including license, certificate, and identity forms,
 21 and other appropriate forms and publications convenient for
 22 the proper administration of this act, and the board may fix
 23 reasonable fees for incidental services, all within the
 24 subject matter delegated to each administration by this act.
 25 Forms shall make clear reference to the administration for

1 which the form is intended.

2 (4) Unless the context requires otherwise, the powers
3 and duties enumerated in this act shall be exercised and
4 performed by the board--professional nursing administration,
5 in all matters relating to professional nurses or
6 professional nursing education, and shall be exercised and
7 performed by the board inclusive of the practical nursing
8 administration in all matters relating to practical nurses
9 and practical nursing education. The officers of the board
10 shall also be the officers of the board inclusive of the
11 practical nursing administration."

12 Section 3. Section 66-1226, R.C.M. 1947, is amended to
13 read as follows:

14 "66-1226. Reimbursement for expenses--compensation.
15 Each member of the board shall be paid mileage as provided
16 in section 59-801 and actual and necessary expenses, and in
17 addition, ~~fifteen--dollars--(\$15)~~ twenty-five dollars (\$25)
18 per day for each day actually engaged in the discharge of
19 duties under this act, including the time spent in actual
20 attendance at a meeting of the board and in direct travel to
21 and from meetings, and a reasonable number of days for the
22 preparation and administration of examinations."

23 Section 4. Section 66-1228, R.C.M. 1947, is amended to
24 read as follows:

25 "66-1228. License--by examination--by endorsement

1 without examination--license fees. (1) An applicant for a
2 license to practice professional nursing is required to pass
3 a written examination in subjects the board, acting under
4 the professional nursing administration, determines. A
5 written examination may be supplemented by an oral or
6 practical examination. On successfully passing the
7 examination, the department shall issue to the applicant a
8 license to practice nursing as a registered professional
9 nurse. The applicant shall pay a fee of twenty-five dollars
10 (\$25) at the time the application is submitted, which shall
11 be returned to the applicant if the application is withdrawn
12 not later than five (5) days prior to the date of
13 examination, or if the examination is not taken, subject to
14 deduction by the department of one dollar (\$1) per subject
15 of the examination which shall be retained by the
16 department.

17 (2) The board--professional nursing administration, may
18 issue a license to practice nursing as a registered
19 professional nurse without examination, to an applicant who
20 has been licensed or registered as a professional nurse
21 under the laws of another state or territory, ~~or--country~~
22 if in the opinion of the board the applicant meets the
23 qualifications required of registered nurses in this state
24 at the time the applicant graduated from a school of
25 nursing. The applicant shall pay a fee of twenty-five

1 dollars (\$25) at the time the application is submitted,
 2 which shall be returned to the applicant if the application
 3 is withdrawn not later than five (5) days prior to final
 4 submission of the application to the board, subject to
 5 deduction of five dollars (\$5), to be retained by the
 6 department.

7 (3) An applicant may, pending ~~application-for licensure~~
 8 ~~as a professional nursing-license nurse~~ under subsections
 9 (2) of this section, practice professional nursing as an
 10 employee of a ~~physician-or-in-a-hospital-or-public~~ health
 11 ~~care~~ agency for a period not longer than three (3) months
 12 from the date the department acknowledges receiving from the
 13 nurse a completed statement, on a form provided by the
 14 department, of intention to practice. The statement shall
 15 consist of an affidavit by the nurse; and an affidavit by
 16 the ~~physician employer or-by-the-administrator,assistant~~
 17 ~~administrator,or-director--of--nursing--of--a--hospital--or~~
 18 ~~public--health--agency~~ where the nurse intends to practice
 19 professional nursing. The affidavit of the nurse and the
 20 affidavit of the ~~physician employer or--administrator,~~
 21 ~~assistant--administrator--or--director--of--nursing--of--the~~
 22 ~~hospital--or--public--health--agency~~ shall contain the
 23 information deemed by the board necessary for the statement.
 24 This subsection does not permit the nurse to practice for
 25 more than a three (3) month period, or in any event, after

1 being notified by the board, through the department, that
 2 the application for a license has been denied, or, in all
 3 cases, after being notified by the board, through the
 4 department, to cease and desist this practice. Notice shall
 5 be given by registered or certified mail to the address of
 6 the applicant as it appears in the statement of the
 7 applicant."

8 Section 5. Section 66-1232, R.C.M. 1947, is amended to
 9 read as follows:

10 "66-1232. License of practical nurse by
 11 examination--by endorsement without examination. (1) An
 12 applicant for a license to practice as a practical nurse is
 13 required to pass a written examination in subjects as the
 14 board, acting under the practical nursing administration,
 15 determines. A written examination may be supplemented by an
 16 oral or practical examination. On successfully passing the
 17 examination the department shall issue to the applicant a
 18 license to practice as a licensed practical nurse.

19 (2) The board--practical nursing administration, may
 20 issue a license to practice as a licensed practical nurse
 21 without examination to an applicant who has been licensed or
 22 registered as a licensed practical nurse or person entitled
 23 to perform like services under a different title under the
 24 laws of another state, or territory, ~~or-country,~~ if in the
 25 opinion of the practical nursing administration the

1 applicant meets the requirements for practical nurses in
2 this state.

3 (3) An applicant may, pending ~~application-for licensure~~
4 ~~as~~ a practical ~~nursing-license~~ nurse under subsection (2) of
5 this section, practice practical nursing as an employee of a
6 ~~physician--or-in-a-hospital-or-public~~ health care agency for
7 a period of not longer than three (3) months from the date
8 the department acknowledges receiving from the practical
9 nurse a completed statement, on a form provided by the
10 department, of intention to practice. The statement shall
11 consist of an affidavit by the practical nurse; and an
12 affidavit by the ~~physician employer or-by-the-administrator,~~
13 ~~assistant---administrator,--or--director--of--nursing--of--a~~
14 ~~hospital-or-public-health-agency~~ where the practical nurse
15 intends to practice practical nursing. The affidavit of the
16 nurse and the affidavit of the ~~physician employer or~~
17 ~~administrator,---assistant--administrator,--or--director--of~~
18 ~~nursing-of--the--hospital--or--public--health--agency~~ shall
19 contain the information considered by the board necessary
20 for the statement. This subsection does not permit the nurse
21 to practice for more than a three (3) month period, or in
22 any event, after being notified by the board, through the
23 department, that the application for a license has been
24 denied, or in all cases, after being notified by the board,
25 through the department, to cease and desist this practice.

1 Notice shall be given by registered or certified mail to the
2 address of the applicant as it appears in the statement of
3 application."

4 Section 6. Section 66-1239, R.C.M. 1947, is amended to
5 read as follows:

6 "66-1239. Survey and approval--secretary. (1) A survey
7 of the school and institution or institutions with which the
8 school is to be affiliated shall be made by the department,
9 which shall submit a detailed written report of the survey
10 to the board. If, in the opinion of the board, the
11 requirements for an approved school of nursing (professional
12 or practical) are met, it shall approve the school as an
13 approved school of nursing.

14 (2) When the board determines that an approved school
15 of nursing is not maintaining the standards required by law
16 and by the board, notice in writing specifying the defect
17 shall be immediately given to the school. A school which
18 fails to correct these conditions to the satisfaction of the
19 board within a reasonable time shall be removed from the
20 list of approved schools of nursing.

21 (3) Any secretary hired by the department to provide
22 services to the board in connection with the board's duties
23 of prescribing curricula and standards for nursing schools,
24 making surveys of and approving schools and courses,
25 evaluating and approving courses for affiliation of student

1 nurses, and reviewing qualifications of applicants for
2 licensure for the board shall first be approved by the board
3 and shall be:

4 (a) A citizen of the United States;

5 (b) A graduate of an approved school of nursing;

6 (c) A holder of at least a ~~bachelor's~~ master's degree
7 with post graduate courses in nursing.

8 (d) A registered professional nurse with at least five

9 (5) years' experience in teaching or administration in an
10 approved school of nursing."

-End-