

HOUSE FINAL STATUS

HB 36      INTRODUCED BY BRADLEY  
NURSING LICENSURE REVISION

1/05 INTRODUCED

1/05 REFERRED TO HUMAN SERVICES & AGING

1/15 HEARING

1/22 COMMITTEE REPORT--BILL NOT PASSES AS AMENDED

1/23 ADVERSE COMMITTEE REPORT ADOPTED      76 18

1                    HOUSE      BILL NO. 36  
2    INTRODUCED BY BRADLEY

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4    A BILL FOR AN ACT ENTITLED:    "AN ACT REVISING THE LAWS  
5    RELATING TO THE LICENSURE OF NURSES; AMENDING SECTIONS  
6    37-8-102, 37-8-405, AND 37-8-415, MCA; AND PROVIDING A  
7    DELAYED APPLICABILITY DATE AND A GRANDFATHER CLAUSE."

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

10            Section 1. Section 37-8-102, MCA, is amended to read:

11            "37-8-102. Definitions. Unless the context requires  
12    otherwise, in this chapter the following definitions apply:

13            (1) "Board" means the board of nursing provided for in  
14    2-15-1844.

15            (2) "Department" means the department of commerce  
16    provided for in Title 2, chapter 15, part 18.

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

19            (a) "Practice of professional nursing" means the  
20    performance for compensation of services requiring  
21    substantial specialized knowledge of the biological,  
22    physical, behavioral, psychological, and sociological  
23    sciences and of nursing theory as a basis for the nursing  
24    process. The nursing process is the assessment, nursing  
25    analysis, planning, nursing intervention, and evaluation in

1    the promotion and maintenance of health; the prevention,  
2    casefinding, and management of illness, injury, or  
3    infirmity; and the restoration of optimum function. The term  
4    also includes administration, teaching, counseling,  
5    supervision, delegation, and evaluation of nursing practice  
6    and the administration of medications and treatments  
7    prescribed by physicians, dentists, osteopaths, or  
8    podiatrists authorized by state law to prescribe medications  
9    and treatments. Each registered nurse is directly  
10    accountable and responsible to the consumer for the quality  
11    of nursing care rendered. As used in this subsection (3)(a):

12            (i) "nursing analysis" is the identification of those  
13    client problems for which nursing care is indicated and may  
14    include referral to medical or community resources;

15            (ii) "nursing intervention" is the implementation of a  
16    plan of nursing care necessary to accomplish defined goals.

17            (b) "Practice of practical nursing" means the  
18    performance for compensation of services requiring basic  
19    knowledge of the biological, physical, behavioral,  
20    psychological, and sociological sciences and of nursing  
21    procedures. Practical nursing practice utilizes standardized  
22    procedures leading to predictable outcomes in the  
23    observation and care of the ill, injured, and infirm; in the  
24    maintenance of health; in action to safeguard life and  
25    health; and in the administration of medications and



1 treatments prescribed by a physician, dentist, osteopath, or  
 2 podiatrist authorized by state law to prescribe medications  
 3 and treatments. These services are performed under the  
 4 supervision of a registered nurse or a physician, dentist,  
 5 osteopath, or podiatrist authorized by state law to  
 6 prescribe medications and treatments.

7 (4) "Nursing education program" means any  
 8 board-approved school that prepares graduates for initial  
 9 licensure under this chapter. Nursing education programs  
 10 for:

11 (a) professional nursing may be a department, school,  
 12 division, or other administrative unit in a ~~senior-or-junior~~  
 13 college or university;

14 (b) practical nursing may be a department, school,  
 15 division, or other administrative unit in a  
 16 vocational-technical center or junior college."

17 Section 2. Section 37-8-405, MCA, is amended to read:

18 "37-8-405. Professional nursing -- qualifications of  
 19 applicants for license. An applicant for a license to  
 20 practice as a registered professional nurse shall submit to  
 21 the department written evidence, verified by oath, that the  
 22 applicant:

23 (1) has ~~successfully-completed--at-least-an-approved~~  
 24 ~~4-year-high-school-course-of--study--or--the--equivalent--as~~  
 25 ~~determined--by--the--office--of--the--superintendent--of--public~~

1 instruction;

2 ~~{2}--has-completed-the-basic-professional-curriculum-in~~  
 3 ~~an-approved-school-of-nursing-and-holds-a-diploma--therefrom~~  
 4 ~~received a bachelor's degree or higher degree with a major~~  
 5 ~~in nursing from an accredited college or university having a~~  
 6 ~~nursing education program approved by the board; and~~

7 ~~{3}{2}~~ meets other qualification requirements the  
 8 board prescribes."

9 NEW SECTION. Section 3. Extension of authority. Any  
 10 existing authority of the board of nursing to make rules on  
 11 the subject of the provisions of this act is extended to the  
 12 provisions of this act.

13 NEW SECTION. Section 4. Applicability -- grandfather  
 14 clause. (1) This act applies to applicants for initial  
 15 licensure to practice professional nursing whose application  
 16 is submitted to the board after December 31, 1991.

17 (2) All licenses issued prior to December 31, 1991,  
 18 may be renewed under 37-8-431 without meeting the  
 19 educational requirements of this act.

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