#### HOUSE BILL NO. 541

### INTRODUCED BY C. SMITH, JONES

# BY REQUEST OF THE BOARD OF NURSING

#### IN THE HOUSE

	111 1110 110000
JANUARY 30, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
FEBRUARY 10, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 11, 1987	PRINTING REPORT.
FEBRUARY 12, 1987	SECOND READING, DO PASS.
FEBRUARY 13, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 86; NOES, 3.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 16, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
MARCH 12, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 17, 1987	SECOND READING, CONCURRED IN.
MARCH 19, 1987	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.
	IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

MARCH 19, 1987

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care facilities.

of the United States.

2	INTRODUCED BY Smith + Jours
3	BY REQUEST OF THE BOARD OF NURSING
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5	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE TERMS OF
6	BOARD OF NURSING MEMBERS; CLARIFYING EDUCATIONAL
7	REQUIREMENTS FOR NURSING SPECIALTY AREAS; CLARIFYING THE
8	BOARD'S AUTHORITY TO DEFINE UNPROFESSIONAL CONDUCT:
9	CLARIFYING THE BOARD'S PROCEDURES FOR DENIAL, REVOCATION, OF
10	SUSPENSION OF A LICENSE; AND AMENDING SECTIONS 2-15-1844
11	37-8-202, 37-8-441, AND 37-8-442, MCA."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 2-15-1844, MCA, is amended to read:
15	"2-15-1844. Board of nursing, (1) There is a board of
16	nursing.
17	(2) The board consists of nine members appointed by
18	the governor with the consent of the senate. The members
19	are:
20	(a) four registered professional nurses; at least one
21	such member shall have had at least 5 years in
22	administrative, teaching, or supervisory experience in one
23	or more schools of nursing and at least one such member must
24	be currently engaged in the administration, supervision, or
25	provision of direct client care. Each member shall:

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1	(1) be a graduate of an approved school of nursing;
2	(ii) be a licensed registered professional nurse in
3	this state;
4	(iii) have had at least 5 years' experience in nursing
5	following graduation; and
6	(iv) be currently engaged in the practice of
7	professional nursing and have practiced for at least 5
8	years.
9	(b) three practical nurses. Each shall:
10	<ul><li>(i) be a graduate of a school of practical nursing;</li></ul>
11	(ii) be a licensed practical nurse in this state;
12	(iii) have had at least 5 years' experience as a
13	practical nurse; and
14	(iv) be currently engaged in the practice of practical
15	nursing and have practiced for at least 5 years.
16	(c) two public members who are not medical
17	practitioners, involved in the practice of nursing or

employment of nursing, or administrators of Montana health

state for at least 1 year before appointment and be citizens

consecutive terms. The governor may remove a member from the

(3) All members shall have been residents of this

(4) Members All members shall serve staggered 4-year terms, and a member may not be appointed for more than two LC 1431/01

board for neglect of a duty required by law or for incompetency or unprofessional or dishonorable conduct.

by the board.

- (5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."
- Section 2. Section 37-8-202, MCA, is amended to read: "37-8-202. Organization -- meetings -- powers and duties. (1) The board shall meet annually and shall elect from among the nine members a president and a secretary. The board shall hold other meetings when necessary to transact its business. A majority of the board constitutes a quorum at any meeting. The department shall keep complete minutes and records of the meetings and rules and orders promulgated
  - (2) The board may make rules necessary to administer this chapter. The board shall prescribe standards for schools preparing persons for registration and licensure under this chapter. It shall provide for surveys of schools at times it considers necessary. It shall approve programs that meet the requirements of this chapter and of the board. The department shall, subject to 37-1-101, examine and issue to and renew licenses of qualified applicants. The board shall conduct hearings on charges which may call for discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved list. It shall cause the prosecution of persons violating this

1 chapter and may incur necessary expenses for this.

(3) The board may adopt and the department shall publish forms for use by applicants and others, including license, certificate, and identity forms and other appropriate forms and publications convenient for the proper administration of this chapter, and the board may fix reasonable fees for incidental services, all within the subject matter delegated by this chapter.

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- (4) The board may participate in and pay fees to a national organization of state boards of nursing to assure interstate endorsement of licenses.
- (5) The board of nursing may define the educational requirements and other qualifications applicable to specialty areas of nursing. Specialty areas of nursing are those that require additional professional education beyond the basic nursing degree required of a registered nurse, which additional education is obtained in courses offered in a university setting or its equivalent as defined by rules of the board and certified by the American nurses' association or other specialty area certifying body. Specialty areas of nursing include nurse practitioners, nurse-midwives, and nurse-anesthetists."
- 23 Section 3. Section 37-8-441, MCA, is amended to read: 24 "37-8-441. Denial, revocation, or suspension of 25 license -- grounds. Only after compliance with 37-8-442, the

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- board may deny, revoke, or suspend a license to practice nursing or discipline a licensee on proof that the person:
- 3 (1) is quilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; 4
- (2) is unfit or incompetent by reason of negligence, 5 habit, or other causes: 6
- (3) is habitually intemperate or is addicted to the 7 8 use of habit-forming drugs:
- 9 (4) is mentally or physically incompetent;

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- 10 (5) is quilty of unprofessional conduct as defined by 11 rules of the board;
- 12 (6) has willfully or repeatedly violated this chapter." 13
- Section 4. Section 37-8-442, MCA, is amended to read: "37-8-442. Denial, revocation, or suspension of license -- procedure. (1) On-filing-a-sworm Upon receipt of a written complaint in--writing-with-the-board charging a person with violation of 37-8-441 as a ground for disciplinary action or on other information that a licensee may be in violation of 37-8-441, the board shall fix-a--time and-place-for-a-public-hearing-before-the-board investigate, and if it finds reasonable cause to believe that a violation 23 has occurred, it shall initiate proceedings under the Montana Administrative Procedure Act.
  - (2) If the person charged is found quilty of the

- charges, the board may refuse to grant a license to the applicant or may revoke or suspend a license issued to a licensee.
- 4 (3) A revoked or suspended license may be reissued after 1 year, in the discretion of the board."
- NEW\_SECTION. Section 5. Extension of authority. Any 6 existing authority of the board of nursing to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-

## HB 0541/02

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3	BY REQUEST OF THE BOARD OF NURSING
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8	BOARD'S AUTHORITY TO DEFINE UNPROFESSIONAL CONDUCT;
9	CLARIFYING THE BOARD'S PROCEDURES FOR DENIAL, REVOCATION, OR
10	SUSPENSION OF A LICENSE; AND AMENDING SECTIONS 2-15-1844,
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- 2 (ii) be a licensed registered professional nurse in 3 this state;
- 4 (iii) have had at least 5 years' experience in nursing 5 following graduation; and
- 6 (iv) be currently engaged in the practice of 7 professional nursing and have practiced for at least 5 8 years.
- 9 (b) three practical nurses. Each shall:
- (i) be a graduate of a school of practical nursing;
- 11 (ii) be a licensed practical nurse in this state;
- 12 (iii) have had at least 5 years' experience as a 13 practical nurse; and
- (iv) be currently engaged in the practice of practical
  nursing and have practiced for at least 5 years.
- 16 (c) two public members who are not medical 17 practitioners, involved in the practice of nursing or 18 employment of nursing, or administrators of Montana health 19 care facilities.
- 20 (3) All members shall have been residents of this 21 state for at least 1 year before appointment and be citizens 22 of the United States.
- 23 (4) Members All members shall serve staggered 4-year
  24 terms, and a member may not be appointed for more than two
  25 consecutive terms. The governor may remove a member from the

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- Section 2. Section 37-8-202, MCA, is amended to read:

  "37-8-202. Organization -- meetings -- powers and

  duties. (1) The board shall meet annually and shall elect
- 8 from among the nine members a president and a secretary. The
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- 13 by the board.

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14 (2) The board may make rules necessary to administer 15 this chapter. The board shall prescribe standards for 16 schools preparing persons for registration and licensure 17 under this chapter. It shall provide for surveys of schools 18 at times it considers necessary. It shall approve programs 19 that meet the requirements of this chapter and of the board. The department shall, subject to 37-1-101, examine and issue 20 21 to and renew licenses of qualified applicants. The board 22 shall conduct hearings on charges which may call for 23 discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved list. It 24

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- 10 (5) is guilty of unprofessional conduct <u>as defined by</u>
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- Montana Administrative Procedure Act.
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