



1 . HB BILL NO. 541  
 2 INTRODUCED BY Smith + Jones  
 3 BY REQUEST OF THE BOARD OF NURSING

4  
 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, OR  
 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:

1 (i) 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 (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

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  
 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



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

3 (5) The board is allocated to the department for  
4 administrative purposes only as prescribed in 2-15-121."

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

6 "37-8-202. Organization -- meetings -- powers and  
7 duties. (1) The board shall meet annually and shall elect  
8 from among the nine members a president and a secretary. The  
9 board shall hold other meetings when necessary to transact  
10 its business. A majority of the board constitutes a quorum  
11 at any meeting. The department shall keep complete minutes  
12 and records of the meetings and rules and orders promulgated  
13 by the board.

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.  
20 The department shall, subject to 37-1-101, examine and issue  
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  
24 removal of schools of nursing from the approved list. It  
25 shall cause the prosecution of persons violating this

1 chapter and may incur necessary expenses for this.

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

9 (4) The board may participate in and pay fees to a  
10 national organization of state boards of nursing to assure  
11 interstate endorsement of licenses.

12 (5) The board of nursing may define the educational  
13 requirements and other qualifications applicable to  
14 specialty areas of nursing. Specialty areas of nursing are  
15 those that require additional professional education beyond  
16 the basic nursing degree required of a registered nurse,  
17 which additional education is obtained in courses offered in  
18 a university setting or its equivalent as defined by rules  
19 of the board and certified by the American nurses'  
20 association or other specialty area certifying body.  
21 Specialty areas of nursing include nurse practitioners,  
22 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

1 board may deny, revoke, or suspend a license to practice  
2 nursing or discipline a licensee on proof that the person:

3 (1) is guilty of fraud or deceit in procuring or  
4 attempting to procure a license to practice nursing;

5 (2) is unfit or incompetent by reason of negligence,  
6 habit, or other causes;

7 (3) is habitually intemperate or is addicted to the  
8 use of habit-forming drugs;

9 (4) is mentally or physically incompetent;

10 (5) is guilty of unprofessional conduct as defined by  
11 rules of the board;

12 (6) has willfully or repeatedly violated this  
13 chapter."

14 Section 4. Section 37-8-442, MCA, is amended to read:

15 "37-8-442. Denial, revocation, or suspension of  
16 license -- procedure. (1) ~~On-filing-a-sworn~~ Upon receipt of  
17 a written complaint in--writing-with-the-board charging a  
18 person with violation of 37-8-441 as a ground for  
19 disciplinary action or on other information that a licensee  
20 may be in violation of 37-8-441, the board shall ~~fix-a--time~~  
21 ~~and-pace-for-a-public-hearing-before-the-board~~ investigate,  
22 and if it finds reasonable cause to believe that a violation  
23 has occurred, it shall initiate proceedings under the  
24 Montana Administrative Procedure Act.

25 (2) If the person charged is found guilty of the

1 charges, the board may refuse to grant a license to the  
2 applicant or may revoke or suspend a license issued to a  
3 licensee.

4 (3) A revoked or suspended license may be reissued  
5 after 1 year, in the discretion of the board."

6 NEW SECTION. Section 5. Extension of authority. Any  
7 existing authority of the board of nursing to make rules on  
8 the subject of the provisions of this act is extended to the  
9 provisions of this act.

-End-

APPROVED BY COMM. ON  
BUSINESS AND LABOR

1 HOUSE BILL NO. 541  
 2 INTRODUCED BY C. SMITH, JONES  
 3 BY REQUEST OF THE BOARD OF NURSING  
 4  
 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, OR  
 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:

- 1 (i) 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 (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
- 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
- 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



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

3 (5) The board is allocated to the department for  
4 administrative purposes only as prescribed in 2-15-121."

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

6 "37-8-202. Organization -- meetings -- powers and  
7 duties. (1) The board shall meet annually and shall elect  
8 from among the nine members a president and a secretary. The  
9 board shall hold other meetings when necessary to transact  
10 its business. A majority of the board constitutes a quorum  
11 at any meeting. The department shall keep complete minutes  
12 and records of the meetings and rules and orders promulgated  
13 by the board.

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.  
20 The department shall, subject to 37-1-101, examine and issue  
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  
24 removal of schools of nursing from the approved list. It  
25 shall cause the prosecution of persons violating this

1 chapter and may incur necessary expenses for this.

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

9 (4) The board may participate in and pay fees to a  
10 national organization of state boards of nursing to assure  
11 interstate endorsement of licenses.

12 (5) The board of nursing may define the educational  
13 requirements and other qualifications applicable to  
14 specialty areas of nursing. Specialty areas of nursing are  
15 those that require additional professional education beyond  
16 the basic nursing degree required of a registered nurse,  
17 which additional education is obtained in courses offered in  
18 a university setting or its equivalent as-defined-by-rules  
19 of-the-board and. THE APPLICANT MUST BE certified by the  
20 American--nurses--association or--other A specialty area  
21 certifying body. Specialty areas of nursing include nurse  
22 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

1 board may deny, revoke, or suspend a license to practice  
2 nursing or discipline a licensee on proof that the person:

3 (1) is guilty of fraud or deceit in procuring or  
4 attempting to procure a license to practice nursing;

5 (2) is unfit or incompetent by reason of negligence,  
6 habit, or other causes;

7 (3) is habitually intemperate or is addicted to the  
8 use of habit-forming drugs;

9 (4) is mentally or physically incompetent;

10 (5) is guilty of unprofessional conduct as defined by  
11 rules of the board;

12 (6) has willfully or repeatedly violated this  
13 chapter."

14 Section 4. Section 37-8-442, MCA, is amended to read:

15 "37-8-442. Denial, revocation, or suspension of  
16 license -- procedure. (1) ~~On filing a sworn~~ Upon receipt of  
17 a written complaint in writing with the board charging a  
18 person with violation of 37-8-441 as a ground for  
19 disciplinary action or on other information that a licensee  
20 may be in violation of 37-8-441, the board shall ~~fix a time~~  
21 ~~and place for a public hearing before the board~~ investigate,  
22 and if it finds reasonable cause to believe that a violation  
23 has occurred, it shall initiate proceedings under the  
24 Montana Administrative Procedure Act.

25 (2) If the person charged is found guilty of the

1 charges, the board may refuse to grant a license to the  
2 applicant or may revoke or suspend a license issued to a  
3 licensee.

4 (3) A revoked or suspended license may be reissued  
5 after 1 year, in the discretion of the board."

6 NEW SECTION. Section 5. Extension of authority. Any  
7 existing authority of the board of nursing to make rules on  
8 the subject of the provisions of this act is extended to the  
9 provisions of this act.

-End-

## 1 HOUSE BILL NO. 541

2 INTRODUCED BY C. SMITH, JONES

3 BY REQUEST OF THE BOARD OF NURSING

4  
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, OR  
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:

- 1 (i) 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 (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  
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  
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



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

3 (5) The board is allocated to the department for  
4 administrative purposes only as prescribed in 2-15-121."

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

6 "37-8-202. Organization -- meetings -- powers and  
7 duties. (1) The board shall meet annually and shall elect  
8 from among the nine members a president and a secretary. The  
9 board shall hold other meetings when necessary to transact  
10 its business. A majority of the board constitutes a quorum  
11 at any meeting. The department shall keep complete minutes  
12 and records of the meetings and rules and orders promulgated  
13 by the board.

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.  
20 The department shall, subject to 37-1-101, examine and issue  
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  
24 removal of schools of nursing from the approved list. It  
25 shall cause the prosecution of persons violating this

1 chapter and may incur necessary expenses for this.

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

9 (4) The board may participate in and pay fees to a  
10 national organization of state boards of nursing to assure  
11 interstate endorsement of licenses.

12 (5) The board of nursing may define the educational  
13 requirements and other qualifications applicable to  
14 specialty areas of nursing. Specialty areas of nursing are  
15 those that require additional professional education beyond  
16 the basic nursing degree required of a registered nurse,  
17 which additional education is obtained in courses offered in  
18 a university setting or its equivalent as defined by rules  
19 of the board and, THE APPLICANT MUST BE certified by the  
20 American--nurses'--association or--other A specialty area  
21 certifying body. Specialty areas of nursing include nurse  
22 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

1 board may deny, revoke, or suspend a license to practice  
 2 nursing or discipline a licensee on proof that the person:  
 3 (1) is guilty of fraud or deceit in procuring or  
 4 attempting to procure a license to practice nursing;  
 5 (2) is unfit or incompetent by reason of negligence,  
 6 habit, or other causes;  
 7 (3) is habitually intemperate or is addicted to the  
 8 use of habit-forming drugs;  
 9 (4) is mentally or physically incompetent;  
 10 (5) is guilty of unprofessional conduct as defined by  
 11 rules of the board;  
 12 (6) has willfully or repeatedly violated this  
 13 chapter."

14 Section 4. Section 37-8-442, MCA, is amended to read:  
 15 "37-8-442. Denial, revocation, or suspension of  
 16 license -- procedure. ~~(1) On filing a sworn~~ Upon receipt of  
 17 a written complaint ~~in writing with the board~~ charging a  
 18 person with violation of 37-8-441 as a ground for  
 19 disciplinary action or on other information that a licensee  
 20 may be in violation of 37-8-441, the board shall fix a time  
 21 and place for a public hearing before the board investigate,  
 22 and if it finds reasonable cause to believe that a violation  
 23 has occurred, it shall initiate proceedings under the  
 24 Montana Administrative Procedure Act.

25 (2) If the person charged is found guilty of the

1 charges, the board may refuse to grant a license to the  
 2 applicant or may revoke or suspend a license issued to a  
 3 licensee.

4 (3) A revoked or suspended license may be reissued  
 5 after 1 year, in the discretion of the board."

6 NEW SECTION. Section 5. Extension of authority. Any  
 7 existing authority of the board of nursing to make rules on  
 8 the subject of the provisions of this act is extended to the  
 9 provisions of this act.

-End-

## 1 HOUSE BILL NO. 541

2 INTRODUCED BY C. SMITH, JONES

3 BY REQUEST OF THE BOARD OF NURSING

4  
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, OR  
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:

1 (i) 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; and6 (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 (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; and14 (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  
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

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

3 (5) The board is allocated to the department for  
4 administrative purposes only as prescribed in 2-15-121."

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

6 "37-8-202. Organization -- meetings -- powers and  
7 duties. (1) The board shall meet annually and shall elect  
8 from among the nine members a president and a secretary. The  
9 board shall hold other meetings when necessary to transact  
10 its business. A majority of the board constitutes a quorum  
11 at any meeting. The department shall keep complete minutes  
12 and records of the meetings and rules and orders promulgated  
13 by the board.

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.  
20 The department shall, subject to 37-1-101, examine and issue  
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  
24 removal of schools of nursing from the approved list. It  
25 shall cause the prosecution of persons violating this

1 chapter and may incur necessary expenses for this.

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

9 (4) The board may participate in and pay fees to a  
10 national organization of state boards of nursing to assure  
11 interstate endorsement of licenses.

12 (5) The board of nursing may define the educational  
13 requirements and other qualifications applicable to  
14 specialty areas of nursing. Specialty areas of nursing are  
15 those that require additional professional education beyond  
16 the basic nursing degree required of a registered nurse,  
17 which additional education is obtained in courses offered in  
18 a university setting or its equivalent ~~as defined by rules~~  
19 ~~of the board and~~ THE APPLICANT MUST BE certified by the  
20 ~~American--nurses--association or--other~~ A specialty area  
21 certifying body. Specialty areas of nursing include nurse  
22 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

1 board may deny, revoke, or suspend a license to practice  
2 nursing or discipline a licensee on proof that the person:

3 (1) is guilty of fraud or deceit in procuring or  
4 attempting to procure a license to practice nursing;

5 (2) is unfit or incompetent by reason of negligence,  
6 habit, or other causes;

7 (3) is habitually intemperate or is addicted to the  
8 use of habit-forming drugs;

9 (4) is mentally or physically incompetent;

10 (5) is guilty of unprofessional conduct as defined by  
11 rules of the board;

12 (6) has willfully or repeatedly violated this  
13 chapter."

14 Section 4. Section 37-8-442, MCA, is amended to read:

15 "37-8-442. Denial, revocation, or suspension of  
16 license -- procedure. (1) ~~On-filing-a-sworn~~ Upon receipt of  
17 a written complaint in-writing-with-the-board charging a  
18 person with violation of 37-8-441 as a ground for  
19 disciplinary action or on other information that a licensee  
20 may be in violation of 37-8-441, the board shall fix-a--time  
21 and-place-for-a-public-hearing-before-the-board investigate,  
22 and if it finds reasonable cause to believe that a violation  
23 has occurred, it shall initiate proceedings under the  
24 Montana Administrative Procedure Act.

25 (2) If the person charged is found guilty of the

1 charges, the board may refuse to grant a license to the  
2 applicant or may revoke or suspend a license issued to a  
3 licensee.

4 (3) A revoked or suspended license may be reissued  
5 after 1 year, in the discretion of the board."

6 NEW SECTION. Section 5. Extension of authority. Any  
7 existing authority of the board of nursing to make rules on  
8 the subject of the provisions of this act is extended to the  
9 provisions of this act.

-End-