

HOUSE BILL NO. 378

INTRODUCED BY SQUIRES, MANNING, GOOD, JACOBSON, MENAHAN,  
RASMUSSEN, ECK, STRIZICH, DAILY, PHILLIPS, QUILICI, SPAETH,  
DRISCOLL, KEATING, THOMAS, COCCHIARELLA, J. BROWN, BACHINI

IN THE HOUSE

JANUARY 24, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
JANUARY 25, 1989	FIRST READING.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 89; NOES, 8.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
MARCH 18, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1989	PASS CONSIDERATION.
MARCH 21, 1989	SECOND READING, CONCURRED IN.
MARCH 23, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 4.
	RETURNED TO HOUSE.

MARCH 23, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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*House* BILL NO. **378**

INTRODUCED BY

*Marshall* *W. Brown* *Jackson*  
*Phillips* *Smith* *Hacker*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF NURSING TO ESTABLISH A PROGRAM TO ASSIST AND REHABILITATE

LICENSED NURSES WHO ARE FOUND TO BE PHYSICALLY OR MENTALLY IMPAIRED BY HABITUAL INTEMPERANCE OR THE EXCESSIVE USE OF NARCOTIC DRUGS, ALCOHOL, OR OTHER SUBSTANCES; AMENDING SECTION 37-8-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** 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 by the board.

(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

1 that meet the requirements of this chapter and of the board.  
2 The department shall, subject to 37-1-101, examine and issue  
3 to and renew licenses of qualified applicants. The board  
4 shall conduct hearings on charges which may call for  
5 discipline of a licensee, revocation of a license, or  
6 removal of schools of nursing from the approved list. It  
7 shall cause the prosecution of persons violating this  
8 chapter and may incur necessary expenses for this.

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

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

19 (5) The board of nursing may define the educational  
20 requirements and other qualifications applicable to  
21 specialty areas of nursing. Specialty areas of nursing are  
22 those that require additional professional education beyond  
23 the basic nursing degree required of a registered nurse,  
24 which additional education is obtained in courses offered in  
25 a university setting or its equivalent. The applicant must

1 be certified by a specialty area certifying body. Specialty  
2 areas of nursing include nurse practitioners,  
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4 (6) The board shall establish a program to assist and  
5 rehabilitate licensed nurses who are found to be physically  
6 or mentally impaired by habitual intemperance or the  
7 excessive use of narcotic drugs, alcohol, or any other drug  
8 or substance. For purposes of funding this program, the  
9 board shall adjust the license fee provided for in 37-8-431  
10 commensurate with the cost of the program."

11 NEW SECTION. Section 2. Extension of authority. Any  
12 existing authority to make rules on the subject of the  
13 provisions of [this act] is extended to the provisions of  
14 [this act].

15 NEW SECTION. Section 3. Effective date. [This act] is  
16 effective July 1, 1989.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB378, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB378 would require the Board of Nursing to establish a program to assist and rehabilitate licensed nurses who are found to be physically or mentally impaired by habitual intemperance or the excessive use of narcotic drugs, alcohol or other substances.

ASSUMPTIONS:

1. The board will develop and implement the program through the use of contracted services, including an advisory committee consisting of three persons who will assist in reviewing the cases.
2. The board's ongoing operations will be unchanged due to the new program being carried out through contract services.
3. The license renewal fees for 12,225 licensees will be increased by approximately \$5.00 per year to cover the costs of the proposed program.
4. The current experience of the similar impaired physicians program is a valid indicator for projecting costs of this new program.
5. The current law budgets are those recommended by the executive.

FISCAL IMPACT:Expenditures:

	Current	FY90		Current	FY91	
	Law	Proposed	Difference	Law	Proposed	Difference
Dept. of Commerce						
Personal Services	\$ 67,675	\$ 67,675	\$ -0-	\$ 67,709	\$ 67,709	\$ -0-
Operating Expenses	132,986	194,111	61,125	133,162	190,426	57,264
Equipment	650	650	-0-	326	326	-0-
Total	\$201,311	\$262,436	\$61,125	\$201,197	\$258,461	\$57,264

Funding:

	Current	FY90		Current	FY91	
	Law	Proposed	Difference	Law	Proposed	Difference
State Special Revenue						
License Fees	\$231,465	\$292,590	\$61,125	\$226,843	\$287,968	\$61,125
Administrative Fee	9,730	9,730	-0-	9,487	9,487	-0-
Photocopy Fees	500	500	-0-	500	500	-0-
Total	\$241,695	\$302,820	\$61,125	\$236,830	\$297,955	\$61,125

Ray Shackelford 1/31/89  
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
 OFFICE OF BUDGET AND PROGRAM PLANNING

Carolyn Squibbs 2/01/89  
 CAROLYN SQUIBBS, PRIMARY SPONSOR DATE  
 Fiscal Note for HB378, as introduced

**HB 378**

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

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(6) The board shall establish a program to assist and rehabilitate licensed nurses who are found to be physically or mentally impaired by habitual intemperance or the excessive use of narcotic drugs, alcohol, or any other drug or substance. THE PROGRAM MUST PROVIDE ASSISTANCE TO LICENSEES IN SEEKING TREATMENT FOR SUBSTANCE ABUSE AND MONITOR THEIR EFFORTS TOWARD REHABILITATION. For purposes of funding this program, the board shall adjust the license fee provided for in 37-8-431 commensurate with the cost of the program."

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