

SENATE BILL 288

Introduced by Hager

1/30	Introduced
1/30	Referred to State Administration
2/03	Heraing
2/13	Committee Report--Bill Not Passed
2/13	Adverse Committee Report Adopted

1 Senate BILL NO. 288
2 INTRODUCED BY Hager
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5 DEFINITION OF PRACTICE OF PROFESSIONAL NURSING AND THE
6 DUTIES OF THE BOARD OF NURSING RELATING TO PERSONS WHO
7 ASSIST IN THE PRACTICE OF NURSING; AND AMENDING SECTIONS
8 37-8-102 AND 37-8-202, MCA."
9

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

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

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

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

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

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

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

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

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

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

21 (b) "Practice of practical nursing" means the
22 performance for compensation of services requiring basic
23 knowledge of the biological, physical, behavioral,
24 psychological, and sociological sciences and of nursing
25 procedures. Practical nursing practice utilizes standardized

1 procedures leading to predictable outcomes in the
 2 observation and care of the ill, injured, and infirm; in the
 3 maintenance of health; in action to safeguard life and
 4 health; and in the administration of medications and
 5 treatments prescribed by a physician, dentist, osteopath, or
 6 podiatrist authorized by state law to prescribe medications
 7 and treatments. These services are performed under the
 8 supervision of a registered nurse or a physician, dentist,
 9 osteopath, or podiatrist authorized by state law to
 10 prescribe medications and treatments.

11 (4) "Nursing education program" means any
 12 board-approved school that prepares graduates for initial
 13 licensure under this chapter. Nursing education programs
 14 for:

15 (a) professional nursing may be a department, school,
 16 division, or other administrative unit in a senior or junior
 17 college or university;

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

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

22 **"37-8-202. Organization -- meetings -- powers and**
 23 **duties.** (1) The board shall meet annually and shall elect
 24 from among the nine members a president and a secretary. The
 25 board shall hold other meetings when necessary to transact

1 its business. A majority of the board constitutes a quorum
 2 at any meeting. The department shall keep complete minutes
 3 and records of the meetings and rules and orders promulgated
 4 by the board.

5 (2) The board may make rules necessary to administer
 6 this chapter. The board shall prescribe standards for
 7 schools preparing persons for registration and licensure
 8 under this chapter. It shall provide for surveys of schools
 9 at times it considers necessary. It shall approve programs
 10 that meet the requirements of this chapter and of the board.
 11 The department shall, subject to 37-1-101, examine and issue
 12 to and renew licenses of qualified applicants. The board
 13 shall conduct hearings on charges which may call for
 14 discipline of a licensee, revocation of a license, or
 15 removal of schools of nursing from the approved list. It
 16 shall cause the prosecution of persons violating this
 17 chapter and may incur necessary expenses for this.

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

25 (4) The board may participate in and pay fees to a

1 national organization of state boards of nursing to assure
2 interstate endorsement of licenses.

3 (5) The board may define the educational requirements
4 and other qualifications applicable to specialty areas of
5 nursing. Specialty areas of nursing are those that require
6 additional professional education beyond the basic nursing
7 degree required of a registered nurse, which additional
8 education is obtained in courses offered in a university
9 setting or its equivalent. The applicant must be certified
10 by a specialty area certifying body. Specialty areas of
11 nursing include nurse practitioners, nurse-midwives, and
12 nurse-anesthetists.

13 (6) The board is authorized to:

14 (a) establish by rule the qualifications of those who
15 may assist in the practice of nursing, including but not
16 limited to training curriculum, instructor qualifications,
17 and competency evaluation;

18 (b) supply to the department of health and
19 environmental sciences, for purposes of entry into the
20 registry to be compiled by the department, the names of
21 persons qualified to assist in the practice of nursing; and

22 (c) establish by rule criteria and mechanisms to
23 protect the public safety by removing from the registry
24 established in subsection (6)(b) the names of persons
25 assisting in the practice of nursing whose performance has

1 been determined to present a public danger."

2 **NEW SECTION. Section 3. Extension of authority.** Any
3 existing authority to make rules on the subject of the
4 provisions of [this act] is extended to the provisions of
5 [this act].

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