

House BILL NO. 407

INTRODUCED BY

Cobb

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF NURSING TO DELEGATE BY RULE CERTAIN NURSING TASKS TO UNLICENSED PERSONS; AND AMENDING SECTION 37-8-202, MCA."

WHEREAS, the 53rd Legislature passed Senate Bill No. 121, providing for delegation of nursing tasks to unlicensed persons; and

WHEREAS, the Board of Nursing has adopted administrative rules providing only for the delegation to unlicensed persons of the giving of medications; and

WHEREAS, a need exists for the delegation of additional tasks in settings such as schools, group homes, and personal care homes where licensed nurses may not be readily available; and

WHEREAS, the Legislature believes that further delegation of nursing tasks is warranted when delegation may be done safely and cost-effectively to persons who receive appropriate training; and

WHEREAS, the Legislature believes that if delegation of nursing tasks can be made to unlicensed persons in settings where there is no onsite supervision available, then delegation of the same tasks is appropriate for settings in which there is supervision available.

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 that 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

1 issue to and renew licenses of qualified applicants. The board shall conduct hearings on charges that may  
2 call for discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved  
3 list. It shall cause the prosecution of persons violating this chapter and may incur necessary expenses for  
4 prosecutions.

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

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

11 (5) (a) The board may define the educational requirements and other qualifications applicable to  
12 advanced practice registered nurses. Advanced practice registered nurses are nurses who must have  
13 additional professional education beyond the basic nursing degree required of a registered nurse. Additional  
14 education must be obtained in courses offered in a university setting or its equivalent. The applicant must  
15 be certified by a certifying body for advanced practice registered nurses. Advanced practice registered  
16 nurses include nurse practitioners, nurse-midwives, nurse-anesthetists, and clinical nurse specialists.

17 (b) The board of nursing and the board of medical examiners, acting jointly, shall adopt rules  
18 regarding authorization for prescriptive authority of nurse specialists. If considered appropriate for a nurse  
19 specialist who applies to the board for authorization, prescriptive authority must be granted.

20 (6) The board shall establish a program to assist licensed nurses who are found to be physically  
21 or mentally impaired by habitual intemperance or the excessive use of narcotic drugs, alcohol, or any other  
22 drug or substance. The program must provide assistance to licensees in seeking treatment for substance  
23 abuse and monitor their efforts toward rehabilitation. For purposes of funding this program, the board shall  
24 adjust the license fee provided for in 37-8-431 commensurate with the cost of the program.

25 (7) The board ~~may~~ shall adopt rules for delegation of nursing tasks by licensed nurses to unlicensed  
26 persons, providing for delegation in those instances when nursing tasks can be performed by unlicensed  
27 persons in a manner that does not endanger the health and safety of the public. Onsite supervision by a  
28 licensed nurse is not required in order for a nursing task to be delegated. A task that the board determines  
29 may be delegated safely without onsite supervision by a licensed nurse may also be delegated in a hospital,  
30 nursing home, physician's office, or other setting where onsite supervision by a licensed nurse is available.

1 The board shall specify training and supervisory requirements for the delegation of nursing tasks.

2 (8) The board may fund additional staff, hired by the department, to administer the provisions of  
3 this chapter."

4 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0407, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the Board of Nursing to delegate by rule certain nursing tasks to unlicensed persons.

ASSUMPTIONS:

1. Costs associated with the rule changes will be absorbed in the Executive Budget recommendation.

FISCAL IMPACT:

There will be no fiscal impact to the Department of Commerce.

Dave Lewis 2-7-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

John Cobb  
JOHN COBB, PRIMARY SPONSOR      DATE  
Fiscal Note for HB0407, as introduced

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