

1

SENATE BILL NO. 395

2 INTRODUCED BY

Bartlett

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF NURSING TO GIVE TEMPORARY
5 APPROVAL TO PRACTICE IN A FIELD OF ADVANCED PRACTICE REGISTERED NURSING TO A PERSON
6 WHO HAS COMPLETED THE ADVANCED PRACTICE REGISTERED NURSING EDUCATION REQUIRED IN
7 ORDER TO APPLY TO TAKE THE PERSON'S FIRST NATIONAL CERTIFICATION EXAMINATION;
8 PROVIDING RULEMAKING AUTHORITY FOR TEMPORARY APPROVAL TO PRACTICE; AND AMENDING
9 SECTION 37-8-409, MCA."

10

11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because it grants rulemaking authority to the board of
13 nursing to give temporary approval and to establish requirements for temporary approval to practice in a
14 field of advanced practice registered nursing. The legislature finds that it is in the public interest to give
15 temporary approval to practice to a person who has completed the advanced practice registered nursing
16 education required in order for the person to apply to take a national certification examination. In order to
17 protect the public, the board of nursing is authorized to make rules regarding the procedures for obtaining
18 temporary approval to practice in each field of advanced practice registered nursing and for the supervision
19 of the nurse. Because the practices of nurse practitioners, nurse-midwives, nurse anesthetists, and clinical
20 nurse specialists are unique, the board may adopt separate requirements for each specialty as necessary
21 and shall consult with practitioners in each field in the development of the rules.

22

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

24

25 **Section 1.** Section 37-8-409, MCA, is amended to read:

26 **"37-8-409. Midwifery Advanced practice registered nursing -- when professional nurse may**
27 **practice. (1) A person licensed under 37-8-406 or 37-8-407 who holds a certificate in nurse midwifery**
28 **from the American college of nurse midwives a field of advanced practice registered nursing may practice**
29 **midwifery in the specified field of advanced practice registered nursing upon approval by the board of an**
30 **amendment to her the person's license granting a certificate of nurse midwifery in a field of advanced**

1 practice registered nursing. The board shall grant a certificate of nurse midwifery in a field of advanced
2 practice registered nursing to a person who submits written verification of certification by the American
3 college of nurse midwives a board-approved national certifying body appropriate to the specific field of
4 advanced practice registered nursing and who meets such any other qualification requirements as that the
5 board may prescribe prescribes.

6 (2) The board may give temporary approval to practice nurse midwifery for up to 4 months in a
7 specific field of advanced practice registered nursing to a person who has taken the American college of
8 nurse midwives:

9 (a) intends to apply for approval under subsection (1); and

10 (b) has completed the advanced practice registered nursing education required in order for the
11 person to apply to take the person's first national certification examination, pending receipt of official
12 notification of the results of the examination from a board-approved national certifying body appropriate
13 to the specific field of advanced practice registered nursing.

14 (3) If the person fails to obtain certification upon the person's first examination, the temporary
15 approval provided for in subsection (2) expires on receipt of the examination results. The temporary
16 approval may not be extended.

17 (4) In order to protect the public, the board may, in consultation with persons in the specific field
18 of advanced practice registered nursing, adopt specific rules for each field of advanced practice registered
19 nursing for the granting of temporary approval to practice and for determining the supervision of the
20 licensee with temporary approval."

21

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0395, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

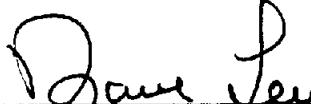
An act authorizing the Board of Nursing to give temporary approval to practice in a field of advanced practice registered nursing to a person who has completed the advanced practice registered nursing education required in order to apply to take the person's first national certification examination; providing rulemaking authority for temporary approval to practice.

ASSUMPTIONS:

1. Costs associated with rule changes and issuance of temporary permits to advanced practice registered nurses can be absorbed by the Executive Budget recommendation submitted for the Board of Nursing.

FISCAL IMPACT:

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

 2-18-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-18-95
SUE BARTLETT, PRIMARY SPONSOR DATE
Fiscal Note for SB0395, as introduced
SB 395

STATE OF MONTANA - FISCAL NOTE

Amended Fiscal Note SB0395, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the laws governing the Board of Nursing; providing for an additional member on the Board of Nursing who is an advanced practice registered nurse; authorizing the Board of Nursing to give temporary approval to practice in a field of advanced practice registered nursing to a person who has completed the advanced practice registered nursing education required in order to apply to take the person's first national certification examination; providing rulemaking authority for temporary approval to practice.

ASSUMPTIONS:

1. Costs associated with rule changes and issuance of temporary permits to advanced practice registered nurses can be absorbed by the Executive Budget recommendation submitted for the Board of Nursing.
2. One additional board member (from nine member board to ten) will increase costs for per diem and travel.
3. In each fiscal year, the new member will attend four three-day board meetings and will receive \$50 per day per diem. Travel expenses will be reimbursed at state rates.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Per Diem	600	600
Travel Expenses	<u>900</u>	<u>900</u>
Total	1,500	1,500
<u>Funding:</u>		
Nurses SSR (02)	1,500	1,500

Dave Lewis 2-28-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Sue Bartlett 3/1/95
SUE BARTLETT, PRIMARY SPONSOR DATE

Fiscal Note for SB0395, as introduced amended

SB 395 #2

1

SENATE BILL NO. 395

2

INTRODUCED BY BARTLETT, KADAS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING THE BOARD OF NURSING;
5 PROVIDING FOR AN ADDITIONAL MEMBER ON THE BOARD OF NURSING WHO IS AN ADVANCED
6 PRACTICE REGISTERED NURSE; AUTHORIZING THE BOARD OF NURSING TO GIVE TEMPORARY
7 APPROVAL TO PRACTICE IN A FIELD OF ADVANCED PRACTICE REGISTERED NURSING TO A PERSON
8 WHO HAS COMPLETED THE ADVANCED PRACTICE REGISTERED NURSING EDUCATION REQUIRED IN
9 ORDER TO APPLY TO TAKE THE PERSON'S FIRST NATIONAL CERTIFICATION EXAMINATION;
10 PROVIDING RULEMAKING AUTHORITY FOR TEMPORARY APPROVAL TO PRACTICE; AND AMENDING
11 SECTION SECTIONS 2-15-1844, 37-8-202, AND 37-8-409, MCA."

12

STATEMENT OF INTENT

14

15 nursing to give temporary approval and to establish requirements for temporary approval to practice in a
16 field of advanced practice registered nursing. The legislature finds that it is in the public interest to give
17 temporary approval to practice to a person who has completed the advanced practice registered nursing
18 education required in order for the person to apply to take a national certification examination. In order to
19 protect the public, the board of nursing is authorized to make rules regarding the procedures for obtaining
20 temporary approval to practice in each field of advanced practice registered nursing and for the supervision
21 of the nurse. Because the practices of nurse practitioners, nurse-midwives, nurse anesthetists, and clinical
22 nurse specialists are unique, the board may adopt separate requirements for each specialty as necessary
23 and shall consult with practitioners in each field in the development of the rules.

24

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

26

SECTION 1. SECTION 2-15-1844, MCA, IS AMENDED TO READ:

28

"2-15-1844, Board of nursing. (1) There is a board of nursing.

29

30 senate. The members are:

(a) four registered professional nurses; at least one such member shall have had at least 5 years in administrative, teaching, or supervisory experience in one or more schools of nursing and at least one

Each member shall must:

(i) be a graduate of an approved school of nursing;

(ii) be a licensed registered professional nurse in this state;

(iii) have had at least 5 years' experience in nursing following graduation; and

(iv) be currently engaged in the practice of professional nursing and must have practiced for at least

5 years.

(b) three practical nurses. Each shall must:

(i) be a graduate of a school of practical nursing;

(ii) be a licensed practical nurse in this state;

(iii) have had at least 5 years' experience as a practical nurse; and

(iv) be currently engaged in the practice of practical nursing and have practiced for at least 5 years.

(c) two public members who are not medical practitioners, involved in the practice of nursing or management of nursing, or administrators of Montana health care facilities;

(d) one advanced practice registered nurse who must:

(i) be a graduate of an approved education program for advanced practice registered nurses;

(ii) be a licensed registered professional nurse with a certificate in a field of advanced practice registered nursing in this state;

(iii) have at least 5 years

(iv) currently be engaged in direct cli

red nurse for at least 5 years; and

Native authority committee

(3) All members ~~shall~~ must have been residents of this state for at least 1 year before appointment
citizens of the United States.

(4) All members shall serve staggered 4-year terms, and a member may not be appointed for more than two consecutive terms. The governor may remove a member from the board for neglect of a duty imposed by law or for incompetency or unprofessional or dishonorable conduct.



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

3

4 SECTION 2. SECTION 37-8-202, MCA, IS AMENDED TO READ:

5 "37-8-202. Organization -- meetings -- powers and duties. (1) The board shall meet annually and
6 shall elect from among the ~~nine~~ 10 members a president and a secretary. The board shall hold other
7 meetings when necessary to transact its business. A majority of the board constitutes a quorum at any
8 meeting. The department shall keep complete minutes and records of the meetings and rules and orders
9 promulgated by the board.

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

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

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

24 (5) (a) The board may define the educational requirements and other qualifications applicable to
25 recognition of advanced practice registered nurses. Advanced practice registered nurses are nurses who
26 must have additional professional education beyond the basic nursing degree required of a registered nurse.
27 Additional education must be obtained in courses offered in a university setting or its equivalent. The
28 applicant must be certified or in the process of being certified by a certifying body for advanced practice
29 registered nurses. Advanced practice registered nurses include nurse practitioners, nurse-midwives,
30 nurse-anesthetists, and clinical nurse specialists.

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

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

(7) The board may adopt rules for delegation of nursing tasks by licensed nurses to unlicensed persons.

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

13

14 **Section 3. Section 37-8-409, MCA, is amended to read:**

15 "37-8-409. Midwifery Advanced practice registered nursing -- when professional nurse may
16 practice. (1) A person licensed under 37-8-406 or 37-8-407 who holds a certificate in ~~nurse midwifery~~
17 from the ~~American college of nurse midwives~~ a field of advanced practice registered nursing may practice
18 ~~midwifery~~ in the specified field of advanced practice registered nursing upon approval by the board of an
19 amendment to ~~her~~ the person's license granting a certificate ~~of~~ of ~~nurse midwifery~~ in a field of advanced
20 practice registered nursing. The board shall grant a certificate ~~of~~ of ~~nurse midwifery~~ in a field of advanced
21 practice registered nursing to a person who submits written verification of certification by ~~the American~~
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23 advanced practice registered nursing and who meets ~~such~~ any other qualification requirements ~~as~~ that the
24 board ~~may prescribe~~ prescribes.

25 (2) The board may give temporary approval to practice ~~nurse midwifery for up to 4 months in a~~
26 specific field of advanced practice registered nursing to a person who ~~has taken the American college of~~
27 ~~nurse midwives~~:

28 (a) intends to apply for approval under subsection (1); and

29 (b) has completed the advanced practice registered nursing education required in order for the
30 person to apply to take the person's first national certification examination AVAILABLE, pending receipt

1 ~~of official notification of the results of the examination from a board-approved national certifying body~~
2 appropriate to the specific field of advanced practice registered nursing.

3 (3) If the person fails to obtain certification upon the person's first examination, the temporary
4 approval provided for in subsection (2) expires on receipt of the examination results. The temporary
5 approval may not be extended.

6 (4) In order to protect the public, the board may, in consultation with persons in the specific field
7 of advanced practice registered nursing, adopt specific rules for each field of advanced practice registered
8 nursing for the granting of temporary approval to practice and for determining the supervision of the
9 licensee with temporary approval."

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-END-

SENATE BILL NO. 395

INTRODUCED BY BARTLETT, KADAS

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5 PROVIDING FOR AN ADDITIONAL MEMBER ON THE BOARD OF NURSING WHO IS AN ADVANCED
6 PRACTICE REGISTERED NURSE; AUTHORIZING THE BOARD OF NURSING TO GIVE TEMPORARY
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9 ORDER TO APPLY TO TAKE THE PERSON'S FIRST NATIONAL CERTIFICATION EXAMINATION;
10 PROVIDING RULEMAKING AUTHORITY FOR TEMPORARY APPROVAL TO PRACTICE; AND AMENDING
11 SECTION SECTIONS 2-15-1844, 37-8-202, AND 37-8-409, MCA; AND PROVIDING EFFECTIVE DATES."

STATEMENT OF INTENT

14 A statement of intent is required for this bill because it grants rulemaking authority to the board of
15 nursing to give temporary approval and to establish requirements for temporary approval to practice in a
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22 nurse specialists are unique, the board may adopt separate requirements for each specialty as necessary
23 and shall consult with practitioners in each field in the development of the rules.

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

26
27 SECTION 1. SECTION 2-15-1844, MCA, IS AMENDED TO READ:
28 "2-15-1844. **Board of nursing.** (1) There is a board of nursing.
29 (2) The board consists of ~~nine~~ 10 members appointed by the governor with the consent of the
30 senate. The members are:

4 Each member shall must:

5 (i) be a graduate of an approved school of nursing;

6 (ii) be a licensed registered professional nurse in this state;

7 (iii) have had at least 5 years' experience in nursing following graduation; and

8 (iv) be currently engaged in the practice of professional nursing and must have practiced for at least

9 5 years.

10 (b) three practical nurses. Each shall must:

11 (i) be a graduate of a school of practical nursing;

12 (ii) be a licensed practical nurse in this state;

13 (iii) have had at least 5 years' experience as a practical nurse; and

14 (iv) be currently engaged in the practice of practical nursing and have practiced for at least 5 years.

15 (c) two public members who are not medical practitioners, involved in the practice of nursing or
16 employment of nursing, or administrators of Montana health care facilities;*i*

17 (d) one advanced practice registered nurse who must:

18 (i) be a graduate of an approved education program for advanced practice registered nurses;

19 (ii) be a licensed registered professional nurse with a certificate in a field of advanced practice
20 registered nursing in this state;

21 (iii) have at least 5 years' experience;

22 (iv) currently be engaged in direct client care and must have practiced as an advanced practice
23 registered nurse for at least 5 years; and

24 (v) have current prescriptive authority and must be assigned as a permanent member of the
25 prescriptive authority committee.

26 (3) All members ~~shall~~ must have been residents of this state for at least 1 year before appointment
27 and be citizens of the United States.

28 (4) All members shall serve staggered 4-year terms, and a member may not be appointed for more
29 than two consecutive terms. The governor may remove a member from the board for neglect of a duty
30 required by law or for incompetency or unprofessional or dishonorable conduct.



(5) The board is allocated to the department for administrative purposes only as prescribed in 21 "

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 elect from among the ~~nine~~ 10 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 delegated 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 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 that may call for the suspension of a licensee, revocation of a license, or removal of schools of nursing from the approved list. It may cause the prosecution of persons violating this chapter and may incur necessary expenses for its operations.

(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 proper administration of this chapter. The board may fix reasonable fees for incidental services, the subject matter delegated by this chapter.

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

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



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

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

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

13

14 **Section 3. Section 37-8-409, MCA, is amended to read:**

15 "37-8-409. Midwifery Advanced practice registered nursing -- when professional nurse may
16 practice. (1) A person licensed under 37-8-406 or 37-8-407 who holds a certificate in ~~nurse midwifery~~
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24 board ~~may prescribe~~ prescribes.

25 (2) The board may give temporary approval to practice ~~nurse midwifery for up to 4 months in a~~
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27 ~~nurse midwives:~~

28 (a) intends to apply for approval under subsection (1); and

29 (b) has completed the advanced practice registered nursing education required in order for the
30 person to apply to take the person's first national certification examination AVAILABLE, pending receipt

1 ~~of official notification of the results of the examination from a board-approved national certifying body~~
2 ~~appropriate to the specific field of advanced practice registered nursing.~~

3 ~~(3) If the person fails to obtain certification upon the person's first examination, the temporary~~
4 ~~approval provided for in subsection (2) expires on receipt of the examination results. The temporary~~
5 ~~approval may not be extended.~~

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7 ~~of advanced practice registered nursing, adopt specific rules for each field of advanced practice registered~~
8 ~~nursing for the granting of temporary approval to practice and for determining the supervision of the~~
9 ~~licensee with temporary approval."~~

10

11 **NEW SECTION. SECTION 4. COORDINATION INSTRUCTION. IF [THIS ACT] AND HOUSE BILL**
12 **NO. 518 ARE BOTH PASSED AND APPROVED AND HOUSE BILL NO. 518 AMENDS 37-8-409, THEN**
13 **SECTION 37-8-409 MUST READ AS FOLLOWS:**

14 **"37-8-409. Midwifery Advanced practice registered nursing -- when professional nurse may**
15 **practice. (1) A person licensed under 37-8-406 or 37-8-407 this chapter who holds a certificate in**
16 **nurse midwifery from the American college of nurse midwives a field of advanced practice registered**
17 **nursing may practice midwifery in the specified field of advanced practice registered nursing upon approval**
18 **by the board of an amendment to her the person's license granting a certificate of nurse midwifery in a field**
19 **of advanced practice registered nursing. The board shall grant a certificate of nurse midwifery in a field**
20 **of advanced practice registered nursing to a person who submits written verification of certification by the**
21 **American college of nurse midwives a board-approved national certifying body appropriate to the specific**
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6 of advanced practice registered nursing, adopt specific rules for each field of advanced practice registered
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8 licensee with temporary approval."

9

10 **NEW SECTION. SECTION 5. EFFECTIVE DATES.** (1) [SECTIONS 1 AND 2] ARE EFFECTIVE JULY
11 1, 1995.

12 (2) [SECTIONS 3, 4, AND THIS SECTION] ARE EFFECTIVE ON PASSAGE AND APPROVAL.

13

-END-



HOUSE STANDING COMMITTEE REPORT

March 23, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 395 (third reading copy -- blue) be concurred in as amended.

Signed:

A handwritten signature in black ink that reads "Duane Grimes". Below the signature, the name "Duane Grimes, Chair" is printed in a smaller, sans-serif font.

Carried by: Rep. Tuss

And, that such amendments read:

1. Title, lines 5 and 6.

Strike: "PROVIDING" on line 5 through "NURSE;" on line 6

2. Title, line 11.

Strike: "2-15-1844,"

Following: "37-8-202"

Strike: "+"

Following: "PROVIDING"

Insert: "AN IMMEDIATE"

Strike: "DATES"

Insert: "DATE"

3. Page 1, line 27 through line 2 on page 3.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 3, line 6.

Strike: "10"

Insert: "nine"

5. Page 6, line 10.

Strike: "DATES"

Insert: "date"

SB 395

Committee Vote:

Yes 16, No 0.

HOUSE

6. Page 6, lines 10 through 12.
Strike: "(1)" on line 10 through "ARE" on line 12
Insert: "[This act] is"

-END-

1 SENATE BILL NO. 395

2 INTRODUCED BY BARTLETT, KADAS

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7 APPROVAL TO PRACTICE IN A FIELD OF ADVANCED PRACTICE REGISTERED NURSING TO A PERSON
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3 in administrative, teaching, or supervisory experience in one or more schools of nursing and at least one
4 such member must be currently engaged in the administration, supervision, or provision of direct client care.

5 Each member shall must:

6 (i) be a graduate of an approved school of nursing;
7 (ii) be a licensed registered professional nurse in this state;
8 (iii) have had at least 5 years' experience in nursing following graduation; and
9 (iv) be currently engaged in the practice of professional nursing and must have practiced for at least
10 5 years.

11 (b) three practical nurses. Each shall must:

12 (i) be a graduate of a school of practical nursing;
13 (ii) be a licensed practical nurse in this state;
14 (iii) have had at least 5 years' experience as a practical nurse; and
15 (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 practitioners, involved in the practice of nursing or
17 employment of nursing, or administrators of Montana health care facilities.

18 (d) one advanced practice registered nurse who must:

19 (i) be a graduate of an approved education program for advanced practice registered nurses;
20 (ii) be a licensed registered professional nurse with a certificate in a field of advanced practice
21 registered nursing in this state;
22 (iii) have at least 5 years' experience;
23 (iv) currently be engaged in direct client care and must have practiced as an advanced practice
24 registered nurse for at least 5 years; and
25 (v) have current prescriptive authority and must be assigned as a permanent member of the
26 prescriptive authority committee.

27 (3) All members shall must have been residents of this state for at least 1 year before appointment
28 and be citizens of the United States.

29 (4) All members shall serve staggered 4 year terms, and a member may not be appointed for more
30 than two consecutive terms. The governor may remove a member from the board for neglect of a duty

1 required by law or for incompetency or unprofessional or dishonorable conduct.

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

5 **SECTION 1. SECTION 37-8-202, MCA, IS AMENDED TO READ:**

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

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

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

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

25 (5) (a) The board may define the educational requirements and other qualifications applicable to
26 recognition of advanced practice registered nurses. Advanced practice registered nurses are nurses who
27 must have additional professional education beyond the basic nursing degree required of a registered nurse.
28 Additional education must be obtained in courses offered in a university setting or its equivalent. The
29 applicant must be certified or in the process of being certified by a certifying body for advanced practice
30 registered nurses. Advanced practice registered nurses include nurse practitioners, nurse-midwives,

1 nurse-anesthetists, and clinical nurse specialists.

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

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

10 (7) The board may adopt rules for delegation of nursing tasks by licensed nurses to unlicensed
11 persons.

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

14

15 **Section 2.** Section 37-8-409, MCA, is amended to read:

16 "**37-8-409. Midwifery Advanced practice registered nursing -- when professional nurse may**
17 **practice.** (1) A person licensed under 37-8-406 or 37-8-407 who holds a certificate in ~~nurse midwifery~~
18 ~~from the American college of nurse midwives a field of advanced practice registered nursing~~ may practice
19 ~~midwifery in the specified field of advanced practice registered nursing~~ upon approval by the board of an
20 amendment to ~~her~~ ~~the person's~~ license granting a certificate of ~~nurse midwifery in a field of advanced~~
21 ~~practice registered nursing~~. The board shall grant a certificate of ~~nurse midwifery in a field of advanced~~
22 ~~practice registered nursing~~ to a person who submits written verification of certification by ~~the American~~
23 ~~college of nurse midwives a board-approved national certifying body appropriate to the specific field of~~
24 ~~advanced practice registered nursing~~ and who meets ~~such any other qualification requirements as that~~ the
25 ~~board may prescribe prescribes~~.

26 (2) The board may give temporary approval to practice ~~nurse midwifery for up to 4 months in a~~
27 ~~specific field of advanced practice registered nursing to a person who has taken the American college of~~
28 ~~nurse midwives;~~

29 (a) intends to apply for approval under subsection (1); and

30 (b) has completed the advanced practice registered nursing education required in order for the

1 person to apply to take the person's first national certification examination AVAILABLE, pending receipt
2 of official notification of the results of the examination from a board-approved national certifying body
3 appropriate to the specific field of advanced practice registered nursing.

4 (3) If the person fails to obtain certification upon the person's first examination, the temporary
5 approval provided for in subsection (2) expires on receipt of the examination results. The temporary
6 approval may not be extended.

7 (4) In order to protect the public, the board may, in consultation with persons in the specific field
8 of advanced practice registered nursing, adopt specific rules for each field of advanced practice registered
9 nursing for the granting of temporary approval to practice and for determining the supervision of the
10 licensee with temporary approval."

11
12 **NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. IF [THIS ACT] AND HOUSE BILL**
13 **NO. 518 ARE BOTH PASSED AND APPROVED AND HOUSE BILL NO. 518 AMENDS 37-8-409, THEN**
14 **SECTION 37-8-409 MUST READ AS FOLLOWS:**

15 **"37-8-409. Midwifery Advanced practice registered nursing -- when professional nurse may**
16 **practice. (1) A person licensed under 37-8-406 or 37-8-407 this chapter who holds a certificate in**
17 **nurse midwifery from the American college of nurse midwives a field of advanced practice registered**
18 **nursing may practice midwifery in the specified field of advanced practice registered nursing upon approval**
19 **by the board of an amendment to her the person's license granting a certificate of nurse midwifery in a field**
20 **of advanced practice registered nursing. The board shall grant a certificate of nurse midwifery in a field**
21 **of advanced practice registered nursing to a person who submits written verification of certification by the**
22 **American college of nurse midwives a board-approved national certifying body appropriate to the specific**
23 **field of advanced practice registered nursing and who meets such any other qualification requirements as**
24 **that the board may prescribe prescribes.**

25 **(2) The board may give temporary approval to practice nurse midwifery for up to 4 months in a**
26 **specific field of advanced practice registered nursing to a person who has taken the American college of**
27 **nurse midwives;**

28 **(a) intends to apply for approval under subsection (1); and**

29 **(b) has completed the advanced practice registered nursing education required in order for the**
30 **person to apply to take the first national certification examination available, pending receipt of official**

1 ~~notification of the results of the examination from a board-approved national certifying body appropriate~~
2 ~~to the specific field of advanced practice registered nursing.~~

3 ~~(3) If the person fails to obtain certification upon the person's first examination, the temporary~~
4 ~~approval provided for in subsection (2) expires on receipt of the examination results. The temporary~~
5 ~~approval may not be extended.~~

6 ~~(4) In order to protect the public, the board may, in consultation with persons in the specific field~~
7 ~~of advanced practice registered nursing, adopt specific rules for each field of advanced practice registered~~
8 ~~nursing for the granting of temporary approval to practice and for determining the supervision of the~~
9 ~~licensee with temporary approval."~~

10

11 **NEW SECTION. SECTION 4. EFFECTIVE DATES DATE. (1) [SECTIONS 1 AND 2] ARE EFFECTIVE**
12 **JULY 1, 1995.**

13 **(2) [SECTIONS 3, 4, AND THIS SECTION] ARE [THIS ACT] IS EFFECTIVE ON PASSAGE AND**
14 **APPROVAL.**

15

-END-