

*Estada*

House BILL NO. 256

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INTRODUCED BY

*E. Bergman* ORR *Whitaker* *Kotal* *McNamee*  
*Curtis* *Simon* *Arns* *Burnett* *Mobley* *Hertel* *Thomas* *Featuring*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A LICENSED PRACTICAL NURSE MAY ACT IN A SUPERVISORY CHARGE-NURSE CAPACITY IN CERTAIN LONG-TERM CARE FACILITIES; AMENDING SECTION 37-8-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

(1) "Advanced practice registered nurse" means a registered professional nurse who has completed educational requirements related to the nurse's specific practice role, in addition to basic nursing education, as specified by the board pursuant to 37-8-202(5)(a).

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

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

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

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

(b) practical nursing may be a department, school, division, or other administrative unit in a vocational-technical institution or junior college.

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

(a) "Practice of practical nursing" means the performance for compensation of services requiring basic knowledge of the biological, physical, behavioral, psychological, and sociological sciences and of nursing procedures. Practical nursing practice uses standardized procedures in the observation and care of the ill, injured, and infirm; in the maintenance of health; in action to safeguard life and health; and in the administration of medications and treatments prescribed by a physician, advanced practice registered nurse, dentist, osteopath, or podiatrist authorized by state law to prescribe medications and treatments. These

1 services are performed under the supervision of a registered nurse or a physician, dentist, osteopath, or  
2 podiatrist authorized by state law to prescribe medications and treatments. These services may include a  
3 supervisory charge-nurse capacity in a long-term care facility that provides skilled nursing care or  
4 intermediate nursing care, as defined in 50-5-101, under the general supervision of a registered nurse.

5 (b) "Practice of professional nursing" means the performance for compensation of services requiring  
6 substantial specialized knowledge of the biological, physical, behavioral, psychological, and sociological  
7 sciences and of nursing theory as a basis for the nursing process. The nursing process is the assessment,  
8 nursing analysis, planning, nursing intervention, and evaluation in the promotion and maintenance of health;  
9 the prevention, casefinding, and management of illness, injury, or infirmity; and the restoration of optimum  
10 function. The term also includes administration, teaching, counseling, supervision, delegation, and  
11 evaluation of nursing practice and the administration of medications and treatments prescribed by  
12 physicians, advanced practice registered nurses, dentists, osteopaths, or podiatrists authorized by state law  
13 to prescribe medications and treatments. Each registered nurse is directly accountable and responsible to  
14 the consumer for the quality of nursing care rendered. As used in this subsection (5)(b):

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

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

19

20 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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-END-

## 1 HOUSE BILL NO. 256

2 INTRODUCED BY BERGMAN, ORR, AHNER, KOTTEL, MOLNAR, CURTISS, SIMON, SANDS, BURNETT,  
3 GLASER, HERTEL, THOMAS, KEATING, DOWELL, ESTRADA

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THIRD READING

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