

SENATE BILL NO. 271

INTRODUCED BY K. TOOLE

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A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE REQUIREMENT FOR COMPENSATION FROM THE STATEMENT OF PURPOSE AND DEFINITIONS APPLICABLE TO STATUTES REGULATING THE PRACTICE OF NURSING; AND AMENDING SECTIONS 37-8-101 AND 37-8-102, MCA."

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

**Section 1.** Section 37-8-101, MCA, is amended to read:

**"37-8-101. Purpose.** (1) In order to safeguard life and health, any person practicing or offering to practice professional nursing in this state ~~for compensation or personal gain shall be required to~~ shall submit evidence that ~~he or she~~ the person is qualified to practice and ~~shall~~ must be licensed as ~~hereinafter~~ provided in this chapter.

(2) In order to safeguard life and health, any person practicing or offering to practice practical nursing in this state ~~for compensation or personal gain shall be required to~~ shall submit evidence that ~~he or she~~ the person is qualified to practice and ~~shall~~ must be licensed as ~~hereinafter~~ provided in this chapter."

**Section 2.** 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;



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

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

4 (a) "Practice of practical nursing" means the performance ~~for compensation~~ of services requiring  
5 basic knowledge of the biological, physical, behavioral, psychological, and sociological sciences and of  
6 nursing procedures. Practical nursing practice uses standardized procedures in the observation and care  
7 of the ill, injured, and infirm<sub>7</sub> in the maintenance of health<sub>7</sub> in action to safeguard life and health<sub>7</sub> and in  
8 the administration of medications and treatments prescribed by a physician, advanced practice registered  
9 nurse, dentist, osteopath, or podiatrist authorized by state law to prescribe medications and treatments.  
10 These services are performed under the supervision of a registered nurse or a physician, dentist,  
11 osteopath, or podiatrist authorized by state law to prescribe medications and treatments. These services  
12 may include a charge-nurse capacity in a long-term care facility that provides skilled nursing care or  
13 intermediate nursing care, as defined in 50-5-101, under the general supervision of a registered nurse.

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

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

27 (ii) "nursing intervention" is the implementation of a plan of nursing care necessary to accomplish  
28 defined goals."  
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30 NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that

1 matured, penalties that were incurred, or proceedings that were begun before October 1, 2001.

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