

1 SENATE BILL NO. 434  
2 INTRODUCED BY D. BERRY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE BOARD OF NURSING TO AMEND ITS  
5 ADMINISTRATIVE RULE REQUIRING NURSES TO WEAR A NAME BADGE DISPLAYING THE FIRST AND  
6 LAST NAMES OF THE NURSE TO DELETE THE REQUIREMENT THAT THE NURSE'S LAST NAME APPEAR  
7 ON THE NAME BADGE; PROHIBITING READOPTION OF THE RULE; AND PROVIDING AN IMMEDIATE  
8 EFFECTIVE DATE."

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10 WHEREAS, on October 5, 2000, the Board of Nursing adopted ARM 8.32.413, requiring a nurse  
11 to wear a name badge displaying the nurse's first and last names; and

12 WHEREAS, the safety and security of health care personnel is increasingly a concern for health  
13 care facilities of all types, especially those personnel working in psychiatric departments or emergency  
14 rooms, and this concern is well-founded because several registered professional nurses have reported being  
15 threatened or harassed by disgruntled patients or family members of patients; and

16 WHEREAS, historically, the form of the name used on a name badge worn by a nurse has been left  
17 to the discretion of the nurse and the health care facility, and this practice has worked well in that health  
18 care facilities have policies to ensure that a particular nurse caring for a patient can be positively identified  
19 by the patient and the facility; and

20 WHEREAS, nurses working in hospitals already wear name badges that show the nurses' first  
21 names and the profession for which they are licensed; and

22 WHEREAS, of the states surrounding Montana, only one requires that nurses' last names appear  
23 on their name badges, and in Montana, no other members of a health care profession are required to wear  
24 name badges that display both their first and last names; and

25 WHEREAS, the Montana Administrative Procedure Act gives the Legislature the power to enact  
26 law directing an agency of the Executive Branch to amend an administrative rule; and

27 WHEREAS, it is therefore appropriate for the Legislature to exercise its powers under section  
28 2-4-412, MCA, to direct the Board of Nursing to amend the rule requiring that a nurse's last name appear  
29 on the nurse's name badge to delete that requirement and for the Legislature to prohibit the Board from  
30 adopting that requirement again in the future.

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

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4 NEW SECTION. **Section 1. Board not to require last names on name tags.** The board of nursing  
5 shall amend ARM 8.32.413 to delete the requirement that a nurse wear a name badge while working as  
6 a nurse that displays the last name of the nurse.

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8 NEW SECTION. **Section 2. Board not to adopt rule requiring last names on name badges.** The  
9 board may not adopt a rule requiring a nurse to wear a name badge while working as a nurse that displays  
10 the last name of the nurse.

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12 NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an  
13 integral part of Title 37, chapter 8, and the provisions of Title 37, chapter 8, apply to [section 2].

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15 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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