

1 HOUSE BILL NO. 271

2 INTRODUCED BY M. MACDONALD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COLLECTION OF DATA RELATED TO THE NURSING
5 WORKFORCE; AND AMENDING SECTIONS 37-8-202 AND 37-8-204, MCA."

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

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9 **Section 1.** Section 37-8-202, MCA, is amended to read:10 **"37-8-202. Organization -- meetings -- powers and duties.** (1) The board shall:

11 (a) meet annually and elect from among the members a president and a secretary;

12 (b) hold other meetings when necessary to transact its business;

13 (c) prescribe standards for schools preparing persons for registration and licensure under this chapter;

14 (d) provide for surveys of schools at times the board considers necessary;

15 (e) approve programs that meet the requirements of this chapter and of the board;

16 (f) conduct hearings on charges that may call for discipline of a licensee, revocation of a license, or
17 removal of schools of nursing from the approved list;18 (g) cause the prosecution of persons violating this chapter. The board may incur necessary expenses
19 for prosecutions.

20 (h) adopt rules regarding authorization for prescriptive authority of advanced practice registered nurses.

21 If considered appropriate for an advanced practice registered nurse who applies to the board for authorization,
22 prescriptive authority must be granted.23 (i) adopt rules to define criteria for the recognition of registered nurses who are certified through a
24 nationally recognized professional nursing organization as registered nurse first assistants; ~~and~~25 (j) establish a medical assistance program to assist licensed nurses who are found to be physically or
26 mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug
27 or substance or by mental illness or chronic physical illness. The program must provide for assistance to
28 licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward
29 rehabilitation. The board shall ensure that a licensee who is required or volunteers to participate in the medical
30 assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll

1 in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified
2 treatment program outside the state unless the board finds that there is no qualified treatment program in this
3 state. For purposes of funding this medical assistance program, the board shall adjust the renewal fee to be
4 commensurate with the cost of the program.

5 (k) pursuant to rules adopted by the board, periodically collect workforce data for the purpose of creating
6 a statewide strategy for promoting efforts to develop a nursing workforce that will best meet the health care needs
7 of Montanans. Except as otherwise provided by law, the data collected may not be disclosed in a manner that
8 reveals individually identifiable information.

9 (2) The board may:

10 (a) participate in and pay fees to a national organization of state boards of nursing to ensure interstate
11 endorsement of licenses;

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

18 (c) establish qualifications for licensure of medication aides, including but not limited to educational
19 requirements. The board may define levels of licensure of medication aides consistent with educational
20 qualifications, responsibilities, and the level of acuity of the medication aides' patients. The board may limit the
21 type of drugs that are allowed to be administered and the method of administration.

22 (d) adopt rules for delegation of nursing tasks by licensed nurses to unlicensed persons;

23 (e) adopt rules necessary to administer this chapter; and

24 (f) fund additional staff, hired by the department, to administer the provisions of this chapter."
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26 **Section 2.** Section 37-8-204, MCA, is amended to read:

27 **"37-8-204. Executive director.** (1) The department shall hire an executive director to provide services
28 to the board in connection with the board's duties of:

29 (a) prescribing curricula and standards for nursing schools and making surveys of and approving schools
30 and courses;

- 1 (b) evaluating and approving courses for affiliation of student nurses; ~~and~~
2 (c) reviewing qualifications of applicants for licensure; and
3 (d) collecting workforce data.
- 4 (2) The department shall hire as the executive director an individual who:
- 5 (a) is a graduate of an approved school of nursing and who has at least a master's degree with
6 postgraduate courses in nursing;
- 7 (b) is licensed as a registered professional nurse in Montana; and
- 8 (c) has experience in teaching or administration in an approved school of nursing and who has
9 completed at least 3 years in the clinical practice of nursing."
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