

HOUSE BILL NO. 115

INTRODUCED BY M. FUNK

BY REQUEST OF THE BOARD OF NURSING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BOARD OF NURSING LAWS; PROVIDING FOR NURSING APPLICANTS TO SUBMIT TO CRIMINAL BACKGROUND CHECKS; EXPANDING THE NURSING MEDICAL ASSISTANCE PROGRAM TO ALL LICENSEES; PROVIDING RULEMAKING AUTHORITY; AUTHORIZING COLLECTION OF WORKFORCE DATA; AND AMENDING SECTION 37-8-202, MCA."

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

NEW SECTION. **Section 1. Criminal background check --rulemaking.** (1) Each applicant for licensure shall submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check. The Montana department of justice may share this fingerprint data with the federal bureau of investigation.

~~(2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check.~~

(2) EACH LICENSE APPLICANT IS RESPONSIBLE TO PAY ALL FEES CHARGED IN RELATION TO OBTAINING THE STATE AND FEDERAL CRIMINAL HISTORY BACKGROUND CHECK.

~~(3)(2) The board may adopt rules to implement the process by which applicants are to submit fingerprints, releases, waivers, and other information and documents necessary to perform the state and federal criminal history background check.~~

(3) THE BOARD MAY REQUIRE LICENSEES RENEWING THEIR LICENSES TO SUBMIT A FULL SET OF THEIR FINGERPRINTS TO THE BOARD FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL HISTORY BACKGROUND CHECK. THE MONTANA DEPARTMENT OF JUSTICE MAY SHARE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

Section 2. Section 37-8-202, MCA, is amended to read:

"37-8-202. Organization -- meetings -- powers and duties. (1) The board shall:

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



- 1 (b) hold other meetings when necessary to transact its business;
- 2 (c) prescribe standards for schools preparing persons for registration and licensure under this chapter;
- 3 (d) provide for surveys of schools at times the board considers necessary;
- 4 (e) approve programs that meet the requirements of this chapter and of the board;
- 5 (f) conduct hearings on charges that may call for discipline of a licensee, revocation of a license, or
- 6 removal of schools of nursing from the approved list;
- 7 (g) cause the prosecution of persons violating this chapter. The board may incur necessary expenses
- 8 for prosecutions.
- 9 (h) adopt rules regarding authorization for prescriptive authority of advanced practice registered nurses.
- 10 If considered appropriate for an advanced practice registered nurse who applies to the board for authorization,
- 11 prescriptive authority must be granted.
- 12 (i) adopt rules to define criteria for the recognition of registered nurses who are certified through a
- 13 nationally recognized professional nursing organization as registered nurse first assistants; ~~and~~ AND
- 14 (j) establish a medical assistance program to assist ~~licensed nurses~~ licensees who are found to be
- 15 physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any
- 16 other drug or substance or by mental illness or chronic physical illness. The program must provide for assistance
- 17 to licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward
- 18 rehabilitation. The board shall ensure that a licensee who is required or volunteers to participate in the medical
- 19 assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll
- 20 in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified
- 21 treatment program outside the state unless the board finds that there is no qualified treatment program in this
- 22 state. For purposes of funding this medical assistance program, the board shall adjust the renewal fee to be
- 23 commensurate with the cost of the program.
- 24 ~~(k) periodically collect workforce data for the purpose of statewide strategy development for promoting~~
- 25 ~~an optimal nursing workforce to meet the health care needs of the population, pursuant to rules to be adopted~~
- 26 ~~by the board. The data may not be disclosed in a manner that reveals personally identifiable information unless~~
- 27 ~~ordered by a court of competent jurisdiction or otherwise provided by law.~~
- 28 (2) The board may:
- 29 (a) participate in and pay fees to a national organization of state boards of nursing to ensure interstate
- 30 endorsement of licenses;

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

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

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

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

13 (f) fund additional staff, hired by the department, to administer the provisions of this chapter."
14

15 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
16 integral part of Title 37, chapter 8, part 4, and the provisions of Title 37, chapter 8, part 4, apply to [section 1].

17 - END -