



AN ACT REVISING MEMBERSHIP OF CERTAIN LICENSING BOARDS; INCREASING THE NUMBER OF REGISTERED NURSES AND REDUCING THE NUMBER OF LICENSED PRACTICAL NURSES ON THE BOARD OF NURSING; INCREASING THE NUMBER OF MEMBERS ON THE BOARD OF CHIROPRACTORS AND REMOVING A LIMITATION ON MEMBERSHIP; REMOVING MANDATORY INCLUSION OF A LICENSED AUDIOLOGIST ON THE BOARD OF HEARING AID DISPENSERS AND REVISING OTHER MEMBERSHIP QUALIFICATIONS; REMOVING POLITICAL AFFILIATION REQUIREMENTS FOR THE BOARD OF REALTY REGULATION; CLARIFYING HUNTING AND FISHING OUTFITTER QUALIFICATIONS FOR MEMBERSHIP ON THE BOARD OF OUTFITTERS; AMENDING SECTIONS 2-15-1734, 2-15-1737, 2-15-1740, 2-15-1757, AND 2-15-1773, MCA; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 2-15-1734, MCA, is amended to read:

"2-15-1734. Board of nursing. (1) There is a board of nursing.

(2) The board consists of nine members appointed by the governor with the consent of the senate. The members are:

(a) ~~four~~ five registered professional nurses, of whom at least one must have had at least 5 years in administrative, teaching, or supervisory experience in one or more schools of nursing, at least one must be an advanced practice registered nurse, at least one must be engaged in nursing practice in a rural health care facility, and at least one must be currently engaged in the administration, supervision, or provision of direct client care. Each member who is a registered professional nurse must:

- (i) be a graduate of an approved school of nursing;
- (ii) be a licensed registered professional nurse in this state;
- (iii) have had at least 5 years' experience in nursing following graduation; and
- (iv) be currently engaged in the practice of professional nursing and have practiced for at least 5 years.

(b) ~~three~~ two practical nurses. Each must:

- (i) be a graduate of a school of practical nursing;
 - (ii) be a licensed practical nurse in this state;
 - (iii) have had at least 5 years' experience as a practical nurse; and
 - (iv) be currently engaged in the practice of practical nursing and have practiced for at least 5 years.
- (c) two public members who are not medical practitioners, involved in the practice of nursing or employment of nursing, or administrators of Montana health care facilities.
- (3) All members must have been residents of this state for at least 1 year before appointment and must be citizens of the United States.
- (4) All members shall serve staggered 4-year terms, and a member may not be appointed for more than two consecutive terms. The governor may remove a member from the board for neglect of a duty required by law or for incompetency or unprofessional or dishonorable conduct.
- (5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 2. Section 2-15-1737, MCA, is amended to read:

- "2-15-1737. Board of chiropractors.** (1) There is a board of chiropractors.
- (2) The board consists of ~~four~~ five members appointed by the governor with the consent of the senate. ~~Three~~ Four members must be practicing chiropractors of integrity and ability who are residents of this state and who have practiced chiropractic continuously in this state for at least 1 year. ~~No two members may be graduates of the same school or college of chiropractic.~~ One member must be a representative of the public who is not engaged in the practice of chiropractic.
- (3) Each member shall serve for a term of 3 years. No member may be appointed for more than two consecutive terms. A member may be removed from office by the governor on sufficient proof of the member's inability or misconduct.
- (4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 3. Section 2-15-1740, MCA, is amended to read:

- "2-15-1740. Board of hearing aid dispensers.** (1) There is a board of hearing aid dispensers.
- (2) The board consists of five members appointed by the governor with the consent of the senate, including:

(a) ~~two three~~ members, each of whom ~~has been a licensed hearing aid dispenser for at least 5 years, possesses a current audiologist license issued under Title 37, chapter 15, and has a master's level college degree;~~

~~— (b) two members, each of whom does not hold a master's level college degree in audiology but has been a licensed dispenser and fitter of hearing aids~~ must possess a current hearing aid dispenser license issued under Title 37, chapter 16, and have been a licensed hearing aid dispenser for at least 5 years before being appointed to the board; and

~~(c)(b) one two~~ public member ~~who is either~~ members, at least one of whom may not be or have been an otolaryngologist, ~~or a person who is not a licensed hearing aid dispenser, or a licensed audiologist, and who~~ at least one of whom must regularly uses use a hearing aid because of a demonstrated hearing impairment. One public member may meet both the conditions in this subsection (2)(b).

(3) Each member shall serve for 3-year terms. A member may not be reappointed within 1 year after the expiration of the member's second consecutive full term.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 4. Section 2-15-1757, MCA, is amended to read:

"2-15-1757. Board of realty regulation. (1) There is a board of realty regulation.

(2) The board consists of seven members appointed by the governor with the consent of the senate. Five members must be licensed real estate brokers, salespeople, or property managers who are actively engaged in the real estate business as a broker, a salesperson, or a property manager in this state. Two members must be representatives of the public who are not state government officers or employees and who are not engaged in business as a real estate broker, a salesperson, or a property manager. The members must be residents of this state.

~~(3) Not more than five members, including the presiding officer, may be from the same political party.~~

~~(4)(3)~~ The members shall serve staggered terms of 4 years. A member may not serve more than two terms or any portion of two terms.

~~(5)(4)~~ The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 5. Section 2-15-1773, MCA, is amended to read:

"2-15-1773. Board of outfitters. (1) There is a board of outfitters.

(2) The board consists of the following seven members to be appointed by the governor:

(a) one ~~big game hunting~~ outfitter licensed to provide big game hunting services;

(b) one ~~fishing~~ outfitter licensed to provide fishing services but not hunting services;

(c) two outfitters ~~who are engaged in the~~ licensed to provide fishing and hunting ~~outfitting business~~ services;

(d) two sportspersons; and

(e) one member of the general public.

(3) A favorable vote of at least a majority of all members of the board is required to adopt any resolution, motion, or other decision.

(4) A vacancy on the board must be filled in the same manner as the original appointment.

(5) The members shall serve staggered 3-year terms and take office on the day they are appointed.

(6) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121.

(7) Each member of the board is entitled to receive compensation and travel expenses as provided for in 37-1-133."

Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 3] is effective January 1, 2016.

- END -

I hereby certify that the within bill,
SB 0081, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2015.

Speaker of the House

Signed this _____ day
of _____, 2015.

SENATE BILL NO. 81

INTRODUCED BY T. FACEY

BY REQUEST OF THE BOARD OF CHIROPRACTORS, THE BOARD OF HEARING AID DISPENSERS,
THE BOARD OF NURSING, THE BOARD OF OUTFITTERS, AND THE BOARD OF REALTY REGULATION

AN ACT REVISING MEMBERSHIP OF CERTAIN LICENSING BOARDS; INCREASING THE NUMBER OF REGISTERED NURSES AND REDUCING THE NUMBER OF LICENSED PRACTICAL NURSES ON THE BOARD OF NURSING; INCREASING THE NUMBER OF MEMBERS ON THE BOARD OF CHIROPRACTORS AND REMOVING A LIMITATION ON MEMBERSHIP; REMOVING MANDATORY INCLUSION OF A LICENSED AUDIOLOGIST ON THE BOARD OF HEARING AID DISPENSERS AND REVISING OTHER MEMBERSHIP QUALIFICATIONS; REMOVING POLITICAL AFFILIATION REQUIREMENTS FOR THE BOARD OF REALTY REGULATION; CLARIFYING HUNTING AND FISHING OUTFITTER QUALIFICATIONS FOR MEMBERSHIP ON THE BOARD OF OUTFITTERS; AMENDING SECTIONS 2-15-1734, 2-15-1737, 2-15-1740, 2-15-1757, AND 2-15-1773, MCA; AND PROVIDING EFFECTIVE DATES.