

HOUSE BILL NO. 441

INTRODUCED BY D. LENZ

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EDUCATION AND TRAINING ON HUMAN TRAFFICKING FOR CERTAIN PROFESSIONALS; REQUIRING CONTINUING EDUCATION ON HUMAN TRAFFICKING FOR NURSES, EMERGENCY CARE PROVIDERS, AND LAW ENFORCEMENT OFFICERS; REQUIRING THAT THE CURRICULUM AT THE MONTANA LAW ENFORCEMENT ACADEMY INCLUDE INSTRUCTION ON HUMAN TRAFFICKING; AMENDING SECTIONS 37-8-202, 44-4-403, 44-10-202, 46-24-102, AND 50-6-203, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** 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;
- (b) hold other meetings when necessary to transact its business;
- (c) prescribe standards for schools preparing persons for registration and licensure under this chapter;
- (d) provide for surveys of schools at times the board considers necessary;
- (e) approve programs that meet the requirements of this chapter and of the board;
- (f) conduct hearings on charges that may call for discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved list;
- (g) cause the prosecution of persons violating this chapter. The board may incur necessary expenses for prosecutions.
- (h) adopt rules regarding authorization for prescriptive authority of advanced practice registered nurses.

If considered appropriate for an advanced practice registered nurse who applies to the board for authorization, prescriptive authority must be granted.

(i) require that licensees who work in an emergency or urgent care setting receive a minimum of 1 hour of continuing education every 2 years on the factors that contribute to human trafficking, identifying victims of human trafficking, and referring victims of human trafficking to appropriate services. For the purposes of this subsection (1)(i), "human trafficking" has the meaning provided in 45-5-701.



1           ~~(j)~~(i) adopt rules to define criteria for the recognition of registered nurses who are certified through a  
2 nationally recognized professional nursing organization as registered nurse first assistants; and  
3           ~~(j)~~(k) establish a medical assistance program to assist licensees who are found to be physically or  
4 mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug  
5 or substance or by mental illness or chronic physical illness. The program must provide for assistance to  
6 licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward  
7 rehabilitation. The board shall ensure that a licensee who is required or volunteers to participate in the medical  
8 assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll  
9 in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified  
10 treatment program outside the state unless the board finds that there is no qualified treatment program in this  
11 state. For purposes of funding this medical assistance program, the board shall adjust the renewal fee to be  
12 commensurate with the cost of the program.

13           (2) The board may:

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

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

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

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

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

28           (f) fund additional staff, hired by the department, to administer the provisions of this chapter."  
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30           **Section 2.** Section 44-4-403, MCA, is amended to read:

- 1           **"44-4-403. Council duties -- determinations -- appeals.** (1) The council shall:
- 2           (a) establish basic and advanced qualification and training standards for employment;
- 3           (b) conduct and approve training; ~~and~~
- 4           (c) provide for the certification or recertification of public safety officers and for the suspension or
- 5           revocation of certification of public safety officers; and
- 6           (d) require that public safety officers receive a minimum of 2 hours of continuing education every 2 years
- 7           on the factors that contribute to human trafficking, identifying victims of human trafficking, and referring victims
- 8           of human trafficking to appropriate services. For the purposes of this subsection (1)(d), "human trafficking" has
- 9           the meaning provided in 45-5-701.
- 10          (2) The council may waive or modify a qualification or training standard for good cause.
- 11          (3) A person who has been denied certification or recertification or whose certification or recertification
- 12          has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2,
- 13          chapter 4, part 6, except that a decision by the council may be appealed to the board of crime control, as provided
- 14          for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review.
- 15          (4) The council is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose
- 16          of obtaining and retaining confidential criminal justice information, as defined in 44-5-103, regarding public safety
- 17          officers in order to provide for the certification or recertification of a public safety officer and for the suspension
- 18          or revocation of certification of a public safety officer. The council may not record or retain any confidential
- 19          criminal justice information without complying with the provisions of the Montana Criminal Justice Information Act
- 20          of 1979 provided for in Title 44, chapter 5."

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- 22          **Section 3.** Section 44-10-202, MCA, is amended to read:
- 23          **"44-10-202. Powers and duties of department.** (1) The department of justice shall have the power and
- 24          it shall be its duty to:
- 25          (a) establish qualifications for admission to the academy;
- 26          (b) select from among qualified applicants those officers and other individuals who are to attend the
- 27          academy each year;
- 28          (c) except as provided in subsection (2), determine the curriculum and methods of training for officers
- 29          and other individuals attending the academy;
- 30          (d) select and hire staff as it considers necessary to implement this chapter;

- 1 (e) establish rules for the conduct of officers and other individuals enrolled at the academy;
- 2 (f) award appropriate certificates to officers and other individuals who successfully complete their
- 3 training;
- 4 (g) provide for the keeping of permanent records of enrollment, attendance, and graduation and other
- 5 records as the department considers necessary;
- 6 (h) make a yearly report in writing of the activities of the academy. Copies of this report shall be sent to
- 7 the governor, attorney general, and secretary of state.
- 8 (i) do all other things necessary and desirable for the establishment and operation of the academy not
- 9 inconsistent with this chapter or the constitution and statutes of the state of Montana; and
- 10 (j) accept and expend grants from federal, state, county, and city governments or private persons,
- 11 associations, or corporations.

12 (2) The curriculum referred to in subsection (1)(c) must include a specific section of instruction on

13 constitutional law emphasizing the rights of the people as set forth in the bill of rights of the United States

14 constitution and the rights contained in Article II of the Montana constitution and specific instruction on human

15 trafficking as provided in 46-24-102."

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17 **Section 4.** Section 46-24-102, MCA, is amended to read:

18 **"46-24-102. Training in victim assistance -- human trafficking.** The Montana law enforcement

19 academy shall:

20 (1) offer education and training in victim assistance to law enforcement officers and prosecuting

21 attorneys and shall provide such education and training in its regular curriculum, so that victims may be properly

22 assisted; and

23 (2) include in its regular curriculum specific instruction on the factors that contribute to human trafficking,

24 identifying victims of human trafficking, and referring victims to appropriate services. For the purposes of this

25 subsection (2), "human trafficking" has the meaning provided in 45-5-701."

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27 **Section 5.** Section 50-6-203, MCA, is amended to read:

28 **"50-6-203. Rules.** (1) The board, after consultation with the department of public health and human

29 services and other appropriate departments, associations, and organizations, shall adopt rules of the board

30 implementing this part, including but not limited to:

1 (a) training and licensure of emergency medical technicians; which must include a minimum of 1 hour  
2 every 2 years of specific instruction on the factors that contribute to human trafficking, identifying victims of human  
3 trafficking, and referring victims of human trafficking to appropriate services. For the purposes of this subsection  
4 (1)(a), "human trafficking" has the meaning provided in 45-5-701.

5 (b) the administration of drugs by emergency medical technicians; and

6 (c) the handling of complaints involving patient care provided by emergency medical technicians.

7 (2) The board may, by rule, establish various levels of emergency medical technician licensure and shall  
8 specify for each level the training requirements, acts allowed, relicensure requirements, and any other  
9 requirements regarding the training, performance, or licensure of that level of emergency medical technician that  
10 it considers necessary, subject to the provisions of 37-1-138."

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12 NEW SECTION. Section 6. Effective date. [This act] is effective January 1, 2018.

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