

HOUSE BILL NO. 472

INTRODUCED BY M. MARLER

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING REPORTING OF BASIC EMPLOYMENT INFORMATION REGARDING NURSES; REQUIRING CERTAIN EMPLOYERS TO REPORT EMPLOYMENT OF NURSES; REQUIRING THE BOARD OF NURSING TO GATHER AND AGGREGATE THE EMPLOYMENT DATA TO ASSESS HEALTH CARE SHORTAGES AND OTHER EMPLOYMENT DATA REGARDING NURSING; AND AMENDING SECTION 37-8-202, MCA."

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

NEW SECTION. Section 1. Employment notification -- definitions. (1) An employer of an individual

licensed in the practice of practical nursing or the practice of professional nursing shall provide to the board at least once a year:

(a) the name, address, and phone number of each individual on the employer's payroll who is engaged in the practice of practical nursing or the practice of professional nursing, whether licensed in this state or another state;

(b) the location of practice; and

(c) the date of first employment with that employer.

(2) The board shall provide a form for reporting by employers as provided in subsection (1) and shall advertise in appropriate state publications or appropriate electronic forms of communication the requirement for employers to provide the information listed in subsection (1).

(3) (a) The board may make the aggregated information publicly available.

(b) If individual or employer information is inadvertently made public, the board shall contact the person whose information is reported as well as notify the employer that the information provided to the board was subject to disclosure and whether the board was in compliance with the requirements in 2-17-552.

(4) If the board learns that an employer is noncompliant with the notification provisions in this section, the board may report the employer to the appropriate accrediting bodies, if any.

(5) For the purposes of this section, the following definitions apply:

(a) (i) "Employer" has the meaning provided in 39-3-201.



1 (ii) The term does not include the federal government or an individual who directly hires an individual
 2 engaged in the practice of practical nursing or the practice of professional nursing on a contract for hire to practice
 3 in a private family residence.

4 (b) (i) "Location of practice" means the name and address of a health care facility as defined in 50-5-101,
 5 including a residential care facility, a residential treatment facility, or a retirement home, as well as the name and
 6 address of the office of private physicians licensed under Title 37, chapter 3.

7 (ii) The term does not include a private family residence at which an individual licensed in the practice
 8 of practical nursing or the practice of professional nursing may be hired to provide service.

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

11 **"37-8-202. Organization -- meetings -- powers and duties.** (1) The board shall:

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

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

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

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

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

17 (f) conduct hearings on charges that may call for discipline of a licensee, revocation of a license, or
 18 removal of schools of nursing from the approved list;

19 (g) cause the prosecution of persons violating this chapter. The board may incur necessary expenses
 20 for prosecutions.

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

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

24 (i) gather and aggregate data provided under [section 1] to determine how many licensees under
 25 37-8-405, 37-8-409, and 37-8-415 are practicing in this state and how many licensees from another state are
 26 employed in this state. The purpose of the data gathering includes helping the board learn more about nursing
 27 employment in health care shortage areas.

28 ~~(j)~~(i) adopt rules to define criteria for the recognition of registered nurses who are certified through a
 29 nationally recognized professional nursing organization as registered nurse first assistants; and

30 ~~(k)~~(k) establish a medical assistance program to assist licensees who are found to be physically or

1 mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug
2 or substance or by mental illness or chronic physical illness. The program must provide for assistance to
3 licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward
4 rehabilitation. The board shall ensure that a licensee who is required or volunteers to participate in the medical
5 assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll
6 in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified
7 treatment program outside the state unless the board finds that there is no qualified treatment program in this
8 state. For purposes of funding this medical assistance program, the board shall adjust the renewal fee to be
9 commensurate with the cost of the program.

10 (2) The board may:

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

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

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

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

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

25 (f) fund additional staff, hired by the department, to administer the provisions of this chapter."
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27 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
28 integral part of Title 37, chapter 8, and the provisions of Title 37, chapter 8, apply to [section 1].

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