

HOUSE BILL NO. 634

INTRODUCED BY J. BACHMEIER

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A BILL FOR AN ACT ENTITLED: "AN ACT RECOGNIZING A NURSING LICENSE FROM ANY STATE IN THE UNITED STATES FOR THE FIRST 90 DAYS OF NURSE PRACTICE IN MONTANA; ENCOURAGING LICENSE RECOGNITION RECIPROCITY WITH ALL OTHER STATES; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; REPEALING SECTION 37-8-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the Legislature recognizes that permitting nurses from other states to practice nursing in Montana strengthens public access to health care and assists Montana in staying current with technological advances in the delivery of health care; and

WHEREAS, the Legislature finds that the goal of encouraging nurses from all states to practice in Montana must be balanced against the need to ensure the safety of patients by enabling the Montana Board of Nursing to identify and track, through registration and licensing, nurses providing care in Montana; and

WHEREAS, the Enhanced Nurse Licensure Compact codified at section 37-8-501, MCA, does not require nurses from other states to register with or obtain licenses from the Montana Board of Nursing at any time, impeding the ability of the Board of Nursing to know who is practicing nursing in Montana and whether Montana nurses have clean professional records; and

WHEREAS, not all states of the United States have entered into the Enhanced Nurse Licensure Compact, so not all nurses currently have professional reciprocity to practice in Montana; and

WHEREAS, the Legislature finds that repealing the Enhanced Nurse Licensure Compact and instead establishing a procedure to allow nurses from all states to practice in Montana under a professional nursing license from any other state for the first 90 days of nursing practice in Montana will achieve a balance between allowing out-of-state nurses to seamlessly transition to working in Montana and protecting the Board of Nursing's ability to monitor and regulate the nursing profession.

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Montana Interstate



1 Nurse Licensure Act".

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3 **NEW SECTION. Section 2. Legislative purpose.** The purposes of [sections 1 through 5] are to:

4 (1) establish a process for a nurse with a license issued by a different state to engage in the practice of
5 nursing in Montana under a license from another state for 90 days before obtaining a Montana nursing license;
6 and

7 (2) encourage other states to develop reciprocity policies to allow nurses with Montana licenses to
8 temporarily practice in other states.

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10 **NEW SECTION. Section 3. Definitions.** For the purpose of [sections 1 through 5], the following
11 definitions apply:

12 (1) "Licensing authority" means a state's regulatory board or other authority responsible for issuing
13 licenses to practice nursing.

14 (2) "Nurse" means a registered nurse as described in 37-8-408, a licensed practical nurse as described
15 in 37-8-415, or a licensed vocational nurse licensed by the licensing authority of another state.

16 (3) "Nurse registration" means the process of providing notice to the board of nursing that a nurse is
17 temporarily practicing in Montana under an out-of-state license.

18 (4) "State" means a state, territory, or possession of the United States and the District of Columbia.

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20 **NEW SECTION. Section 4. Temporary practice of nursing under license issued by licensing
21 authority of another state permitted -- requirements.** (1) A nurse may practice nursing in Montana under a
22 nursing license issued by the licensing authority of another state for up to 90 days prior to applying for a Montana
23 license, provided that the nurse fulfills the following requirements:

24 (a) Within 30 days of a nurse's first day of practicing nursing in the state of Montana under a nursing
25 licence issued by the licensing authority of another state, the nurse shall submit a nurse registration to the board
26 containing:

27 (i) the nurse's full name as shown on the nurse's current license to practice nursing in all states where
28 licensed;

29 (ii) the state or states of current and past licensure;

30 (iii) the nurse's Montana employer or employers; and

1 (iv) the county and, if applicable, city of practice in Montana; and

2 (b) Within 90 days of a nurse's first day of practicing nursing in the state of Montana under a nursing
3 licence issued by the licensing authority of another state, the nurse shall submit to the department an application
4 for a nursing license satisfying the requirements of 37-8-405 or 37-8-415.

5 (2) Except as provided in subsection (3), a person who fails to comply with the requirements in
6 subsection (1) is guilty of practicing nursing under fraudulent representation and is subject to the penalties in
7 37-8-443 and may be subject to additional administrative and professional penalties.

8 (3) If a nurse is practicing nursing in the state of Montana under a nursing license issued by the licensing
9 authority of another state as of [the effective date of this act], the nurse does not violate subsection (1) and is not
10 subject to the penalties in 37-8-443 if the nurse submits:

11 (a) a nursing registration within 30 days of [the effective date of this act]; and

12 (b) an application for a Montana nursing license within 90 days of the [effective date of this act].

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14 **NEW SECTION. Section 5. Rulemaking authority.** The board may adopt rules as necessary to
15 implement the provisions of [sections 1 through 5].

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17 **NEW SECTION. Section 6. Repealer.** The following section of the Montana Code Annotated is
18 repealed:

19 37-8-501. Enhanced nurse licensure compact -- enactment.

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21 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 5] are intended to be codified
22 as an integral part of Title 37, chapter 8, and the provisions of Title 37, chapter 8, apply to [sections 1 through 5].

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24 **NEW SECTION. Section 8. Effective date.** [This act] is effective on passage and approval.

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