

BEFORE THE BOARD OF NURSING
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 8.32.1118, relating to nursing) AND ADOPTION
education accrediting bodies,)
and the adoption of NEW RULE I)
(8.32.1409A), relating to the)
nurse's role in cosmetic procedures)

TO: All Concerned Persons

1. On October 30, 2003, the Department of Labor and Industry published MAR Notice No. 8-32-61 regarding the public hearing on the proposed amendment and adoption of the above-stated rules relating to nursing education accrediting bodies and the nurse's role in cosmetic procedures at pages 2359 of the 2003 Montana Administrative Register, issue no. 20.

2. On December 2, 2003, a public hearing on the proposed amendment and adoption of the above-stated rules was conducted in Helena.

3. No comments having been received concerning the proposed amendment of ARM 8.32.1118, the Board of Nursing amended ARM 8.32.1118, exactly as proposed.

4. Public comments were made at the hearing regarding proposed NEW RULE I, supplemented by written comments which were also received regarding proposed NEW RULE I. A summary of the comments and the Board's response are as follow:

Comment 1: Dr. Robert Korenberg, M.D., individually and on behalf of the Montana Academy of Dermatology, commented in favor of proposed NEW RULE I. He stated that defining and limiting the performance of the procedures as written in proposed NEW RULE I is appropriate and necessary to protect the public. He stated that the rule was needed because diagnosis is necessary before any of these cosmetic procedures are performed; preventable complications occur; a practitioner must diagnose the complications; the ability to prescribe is required to reverse some of the complications that can occur; and complications usually occur within 24 hours after the treatment and prompt attention is vital for the most favorable outcome.

Response 1: The Board of Nursing agrees with the comments.

5. After considering the comments, the Board of Nursing adopted NEW RULE I (8.32.1409A) exactly as proposed.

BOARD OF NURSING
KIM POWELL, RN, CHAIRMAN

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State March 15, 2004.