

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 159

BOARD OF NURSING

Subchapter 1

Organizational Rule

Rule 24.159.101 Board Organization

Subchapter 2

Procedural Rules

Rule 24.159.201 Procedural Rules

24.159.202 Public Participation

Subchapter 3

Definitions

Rule 24.159.301 Definitions

Subchapter 4

General Provisions

Rule 24.159.401 Fees

24.159.402 Fee Abatement

Rules 24.159.403 through 24.159.405 reserved

DEPARTMENT OF LABOR AND INDUSTRY

Rule	24.159.406	Board Objectives
	24.159.407	Meetings of the Board
	24.159.408	Officers of the Board
	24.159.409	Duties of the President of the Board
	24.159.410	Duties of Members of the Board
	24.159.411	Parliamentary Authority
		Rules 24.159.412 through 24.159.415 reserved
	24.159.416	Qualifications for Executive Director of the Board
		Subchapter 5 reserved

NURSING

Subchapter 6

Nursing Education Programs

Rule 24.159.601	Statement of Purpose for Nursing Education Program Standards
	Rules 24.159.602 and 24.159.603 reserved
24.159.604	Philosophy, Educational Objectives, and Expected Outcomes of Nursing Education Programs
24.159.605	Organization and Administration of Nursing Education Programs
24.159.606	Educational Facilities for Nursing Education Programs
	Rules 24.159.607 and 24.159.608 reserved
24.159.609	Program Evaluation
	Rules 24.159.610 and 24.159.611 reserved
24.159.612	Program Annual Report
	Rules 24.159.613 and 24.159.614 reserved
24.159.615	Recognized Accreditation Bodies
	Rules 24.159.616 through 24.159.624 reserved

DEPARTMENT OF LABOR AND INDUSTRY

- Rule 24.159.625 Feasibility Study for Initial Approval of Nursing Program
Rules 24.159.626 through 24.159.629 reserved
- 24.159.630 School Site Visits and Continued Approval of Schools
Rules 24.159.631 through 24.159.634 reserved
- 24.159.635 Requirements for Special Reports on Changes Affecting
Program Including Program Expansion
Rules 24.159.636 through 24.159.639 reserved
- 24.159.640 Change in Approval Status
Rules 24.159.641 through 24.159.649 reserved
- 24.159.650 Nursing Education Program Director
Rules 24.159.651 through 24.159.654 reserved

NURSING

- Rule 24.159.655 Nursing Education Faculty Responsibility
- 24.159.656 Faculty Qualification Report
- Rules 24.159.657 and 24.159.658 reserved
- 24.159.659 Faculty for Registered Nursing Education Programs
- Rules 24.159.660 and 24.159.661 reserved
- 24.159.662 Faculty for Practical Nursing Education Programs
- Rules 24.159.663 and 24.159.664 reserved
- 24.159.665 Preceptors in Nursing Education Programs
- 24.159.666 Use of Clinical Resource Registered Nurses (CRRNs) in Nursing Education Programs
- Rules 24.159.667 through 24.159.669 reserved
- 24.159.670 Curriculum Goals and General Requirements for Professional Nursing Education in Baccalaureate and Associate Degree Programs
- Rules 24.159.671 through 24.159.673 reserved

DEPARTMENT OF LABOR AND INDUSTRY

- Rule 24.159.674 Curriculum Goals Specific to Baccalaureate Degree Registered Nurse
Rules 24.159.675 and 24.159.676 reserved
- 24.159.677 Curriculum Goals Specific to Associate Degree Registered Nurse
Rules 24.159.678 and 24.159.679 reserved
- 24.159.680 Curriculum Goals and Requirements for Practical Nursing Education Programs
Subchapters 7 and 8 reserved

NURSING

Subchapter 9

Medication Aides

Rule 24.159.901	Definitions
	Rule 24.159.902 reserved
24.159.903	Purpose of Standards of Practice for the Licensed Medication Aide
	Rule 24.159.904 reserved
24.159.905	General Requirements for Medication Aide Training Programs and Instructors
	Rules 24.159.906 through 24.159.909 reserved
24.159.910	General Requirements for Licensure as Medication Aide
	Rules 24.159.911 through 24.159.914 reserved
24.159.915	Standards Related to the Medication Aide's Responsibilities as a Member of Health Team

NURSING

Subchapter 10

Licensed Practical Nurses

Rules 24.159.1001 and 24.159.1002 reserved

Rule 24.159.1003 Purpose of Standards of Nursing Practice for the Practical Nurse

24.159.1004 Standards Related to the Practical Nurse's Application of the Nursing Process

24.159.1005 Standards Related to the Practical Nurse's Responsibilities as a Member of the Health Team

24.159.1006 Standards Related to the Practical Nurse's Role in Cosmetic Procedures

Rules 24.159.1007 through 24.159.1009 reserved

24.159.1010 Standards Related to Intravenous (IV) Therapy

24.159.1011 Prohibited Intravenous (IV) Therapies

Rules 24.159.1012 through 24.159.1020 reserved

24.159.1021 Temporary Practice Permit

24.159.1022 General Requirements for Licensure

24.159.1023 Grounds for Denial of a License

24.159.1024 Licensure by Examination Requirements

24.159.1025 Practical Nurse Reexamination

Rules 24.159.1026 and 24.159.1027 reserved

DEPARTMENT OF LABOR AND INDUSTRY

Rule	24.159.1028	Licensure by Endorsement Requirements
	24.159.1029	Foreign Educated Applicants for Practical Nurse Licensure Requirements
		Rules 24.159.1030 through 24.159.1035 reserved
	24.159.1036	Preparation of Licenses
	24.159.1037	Renewals
	24.159.1038	Inactive Status
		Rule 24.159.1039 reserved
	24.159.1040	Duplicate or Lost Licenses
	24.159.1041	Verification of Licensure
		Rules 24.159.1042 through 24.159.1045 reserved
	24.159.1046	Supervision of Probationary Licensees
		Rules 24.159.1047 through 24.159.1051 reserved
	24.159.1052	Licensee Probation or Reprimand of a Licensee
	24.159.1053	License Reapplication Considerations After Denial, Revocation, or Suspension
		Subchapter 11 reserved

NURSING

Subchapter 12

Registered Nurses

Rules 24.159.1201 and 24.159.1202 reserved

Rule 24.159.1203	Purpose of Standards of Nursing Practice for the Registered Nurse
24.159.1204	Standards Related to the Registered Nurse's Responsibility to Apply the Nursing Process
24.159.1205	Standards Related to the Registered Nurse's Responsibilities as a Member of the Nursing Profession
24.159.1206	Standards Related to the Registered Nurse's Role in Cosmetic Procedures
	Rules 24.159.1207 through 24.159.1220 reserved
24.159.1221	Temporary Practice Permit
24.159.1222	General Requirements for Licensure
24.159.1223	Grounds for Denial of a License
24.159.1224	Licensure by Examination Requirements
24.159.1225	Registered Nurse Reexamination
	Rules 24.159.1226 and 24.159.1227 reserved

DEPARTMENT OF LABOR AND INDUSTRY

Rule 24.159.1228	Licensure by Endorsement Requirements
24.159.1229	Foreign Educated Applicants for Registered Nurse Licensure Requirements
	Rules 24.159.1230 through 24.159.1235 reserved
24.159.1236	Preparation of Licenses
24.159.1237	Renewals
24.159.1238	Inactive Status
	Rule 24.159.1239 reserved
24.159.1240	Duplicate or Lost Licenses
24.159.1241	Verification of Licensure
	Rules 24.159.1242 through 24.159.1245 reserved
24.159.1246	Supervision of Probationary Licensees
	Rules 24.159.1247 through 24.159.1251 reserved
24.159.1252	Licensee Probation or Reprimand of a Licensee
24.159.1253	License Reapplication Considerations After Denial, Revocation, or Suspension
	Subchapter 13 reserved

NURSING

Subchapter 14

Advanced Practice Registered Nurses

Rule 24.159.1401	Definitions (REPEALED)
	Rule 24.159.1402 reserved
24.159.1403	Purpose of Standards of Practice for the Advanced Practice Registered Nurse
24.159.1404	Standards Related to the Advanced Practice Registered Nurse's Responsibility to Apply the Nursing Process
24.159.1405	Standards Related to the Advanced Practice Registered Nurse's Responsibilities as a Member of the Nursing Profession
	Rules 24.159.1406 through 24.159.1410 reserved
24.159.1411	Temporary Permits for Graduate APRNS
24.159.1412	Application for Initial APRN Licensure
24.159.1413	Advanced Practice Nursing Title
24.159.1414	Educational Requirements and Qualifications for APRN
24.159.1415	General Requirements for Licensure (REPEALED)
24.159.1416	Grounds for Denial of a License
24.159.1417	Licensure by Examination Requirements (REPEALED)
24.159.1418	Licensure by Endorsement
	Rules 24.159.1419 through 24.159.1423 reserved
24.159.1424	Continuing Education Requirements
	Rule 24.159.1425 reserved

DEPARTMENT OF LABOR AND INDUSTRY

Rule	24.159.1426	Preparation of Licenses (REPEALED)
	24.159.1427	Renewals
	24.159.1428	Inactive APRN Status
		Rule 24.159.1429 reserved
	24.159.1430	Duplicate or Lost Licenses
	24.159.1431	Verification of Licensure
		Rules 24.159.1432 through 24.159.1435 reserved
	24.159.1436	Supervision of Probationary Licensees
		Rules 24.159.1437 through 24.159.1441 reserved
	24.159.1442	Licensee Probation or Reprimand of a Licensee (REPEALED)
	24.159.1443	License Reapplication After Denial, Revocation, or Suspension
		Rules 24.159.1444 through 24.159.1460 reserved
	24.159.1461	Prescriptive Authority for Eligible APRNs
	24.159.1462	Advanced Practice Nursing Committee
	24.159.1463	Initial Application for Prescriptive Authority
	24.159.1464	Prescribing Practices
	24.159.1465	Special Limitations Related to the Prescribing of Controlled Substances (REPEALED)
	24.159.1466	Quality Assurance of APRN Practice
	24.159.1467	Suspension or Revocation of Prescriptive Authority
	24.159.1468	Prescriptive Authority Renewal
		Rule 24.159.1469 reserved

NURSING

Rule 24.159.1470	Nurse Practitioner Practice
	Rules 24.159.1471 through 24.159.1474 reserved
24.159.1475	Certified Nurse Midwifery Practice
	Rules 24.159.1476 through 24.159.1479 reserved
24.159.1480	Certified Registered Nurse Anesthetist Practice
	Rules 24.159.1481 through 24.159.1484 reserved
24.159.1485	Clinical Nurse Specialist Practice
	Rules 24.159.1486 through 24.159.1489 reserved
24.159.1490	Psychiatric-Mental Health Practitioner Practice
	Subchapter 15 reserved

NURSING

Subchapter 16

Delegation and Assignment

Rule	24.159.1601	Purpose
	24.159.1602	Definitions
		Rule 24.159.1603 reserved
	24.159.1604	Tasks Which may be Routinely Assigned to an Unlicensed Person in any Setting When a Nurse-Patient Relationship Exists
	24.159.1605	Standards Related to the Facility's Chief Nursing Officer Regarding Delegation Practices
		Rules 24.159.1606 through 24.159.1609 reserved
	24.159.1610	Accountability
	24.159.1611	Criteria for Delegation of Nursing Tasks
	24.159.1612	Standards Related to the Nurse Functioning as a Delegator
		Rules 24.159.1613 through 24.159.1615 reserved
	24.159.1616	Nursing Tasks Related to Medications That may be Delegated
		Rules 24.159.1617 through 24.159.1624 reserved
	24.159.1625	General Nursing Functions and Tasks That may not be Delegated
		Rules 24.159.1626 through 24.159.1629 reserved

DEPARTMENT OF LABOR AND INDUSTRY

- Rule 24.159.1630 Advanced Delegation, Generally
- 24.159.1631 Advanced Delegation to UAP Nursing Students
- Rules 24.159.1632 through 24.159.1635 reserved
- 24.159.1636 Advanced Delegation to UAPs Working in the Emergency
 Department
- Rules 24.159.1637 through 24.159.1639 reserved
- 24.159.1640 Advanced Delegation to UAPs Working in the Dialysis Unit
- Subchapters 17 through 19 reserved

NURSING

Subchapter 20

Nurses' Assistance Program

Rule	24.159.2001	Introduction of the Nurses' Assistance Program
	24.159.2002	Administration of the Program
	24.159.2003	Consultant Requirements
	24.159.2004	Consultant Activities
		Rules 24.159.2005 through 24.159.2009 reserved
	24.159.2010	Disciplinary Track
	24.159.2011	Admission Criteria - Disciplinary Track
	24.159.2012	Program Requirements - Disciplinary Track
	24.159.2013	Discharge Criteria - Disciplinary Track
		Rules 24.159.2014 through 24.159.2019 reserved
	24.159.2020	Nondisciplinary Track
	24.159.2021	Admission Criteria - Nondisciplinary Track
	24.159.2022	Program Requirements - Nondisciplinary Track
	24.159.2023	Discharge Criteria - Nondisciplinary Track
		Subchapters 21 and 22 reserved

Subchapter 23

Unprofessional Conduct

Rule	24.159.2301	Conduct of Nurses
------	-------------	-------------------

Subchapter 1

Organizational Rule

24.159.101 BOARD ORGANIZATION (1) The Board of Nursing hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 37-8-202, MCA; IMP, 2-4-201, MCA; NEW, Eff. 1/3/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2006 MAR p. 2035.)

Subchapter 2

Procedural Rules

24.159.201 PROCEDURAL RULES (1) The Board of Nursing hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-8-202, MCA; IMP, 2-4-201, MCA; NEW, Eff. 1/3/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.202 PUBLIC PARTICIPATION (1) The Board of Nursing hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of Title 8. (History: 37-8-202, MCA; IMP, 2-3-103, MCA; NEW, 1978 MAR p. 611, Eff. 4/25/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2006 MAR p. 2035.)

Subchapter 3

Definitions

24.159.301 DEFINITIONS As used in Title 37, chapter 8, MCA, and this chapter, unless defined specifically in a particular subchapter, the following definitions apply:

(1) "Accrediting organization" means a professional organization, which has been approved by the board, that establishes standards and criteria for continuing education programs in nursing, advanced nursing, medicine, and other health care specialties.

(2) "Advanced practice registered nurse" or "APRN" means a registered nurse licensed by the board to practice as an advanced practice registered nurse pursuant to 37-8-202, MCA, and ARM 24.159.1414. Four types of APRNs are recognized by Montana law:

- (a) nurse practitioner (NP);
- (b) certified nurse midwife (CNM);
- (c) certified registered nurse anesthetist (CRNA); and
- (d) clinical nurse specialist (CNS).

(3) "Board" means the Montana Board of Nursing.

(4) "Certifying body" means a national certifying organization that has been approved by the board to use psychometrically sound and legally defensible examinations for certification of APRN specialties.

(5) "Charge nurse" means the nurse who is in charge of patient and/or resident care during a nursing shift. An LPN may serve as a charge nurse in the absence of an RN in a long term care facility, pursuant to 37-8-102, MCA.

(6) "Competency" means performing skillfully and proficiently the functions that are within the role of the licensee; and, demonstrating the interrelationship of essential knowledge, judgment, and skills.

(7) "Comprehensive nursing assessment" means a systematic collection of data conducted by an RN to determine the patient's health status and to identify any actual or potential health problems.

(8) "Contact hour" means the time period of instruction determined by the continuing education provider and indicated on the participant's certificate of completion. One academic semester credit equals 15 contact hours; one academic quarter credit equals 12.5 contact hours.

(9) "Continuing education" means a planned learning activity that occurs in a classroom, on-line, audio-conference, video-conference, or as independent study. All continuing education must be approved by an accrediting organization or provided by an academic institution of higher learning, an APRN certifying body, or a continuing education accrediting organization.

(10) "Department" means the Department of Labor and Industry as provided for in Title 2, chapter 15, part 17, MCA.

(11) "Direction" means a communication of a plan of care based upon assessment of a patient by a registered nurse or a licensed independent health care provider pursuant to 37-8-102, MCA, that sets forth the parameters for the provision of care or for the performance of a procedure.

(12) "Direct supervision" means the supervisor is on the premises, and is quickly and easily available.

(13) "Drug" means a substance defined by 37-7-101, MCA.

(14) "Focused nursing assessment" is conducted by a licensed practical nurse and is an appraisal of an individual's status and situation at hand, contributing to the comprehensive assessment by the registered nurse, supporting ongoing data collection, deciding who needs to be informed of the information, and when to inform.

(15) "Health team" means a group of health care providers which may, in addition to health care practitioners, include the client, family, and significant others.

(16) "Immediate supervision" means the supervisor is on the premises and is within audible and visual range of the patient.

(17) "National professional organization" means a board-recognized professional nursing membership organization that delineates scope of practice standards and guidelines for an APRN specialty.

(18) "Nursing procedures" means those nursing actions selected and performed in the delivery of safe and effective patient/client care.

(19) "Nursing process" means the traditional systematic method nurses use when they provide:

- (a) nursing care including assessment;
- (b) nursing analysis;
- (c) planning;
- (d) nursing intervention; and
- (e) evaluation.

(20) "Peer review" means the process of evaluating the practice of nursing, conducted by a peer-reviewer.

(21) "Peer-reviewer" means a licensed APRN or physician whose credentials and practice encompass the APRN's scope and type of practice setting. The peer-reviewer may be a consultant working for a professional peer review organization.

(22) "Practical nurse" means the same thing as "licensed practical nurse," "PN," and "LPN" unless the context of the rule dictates otherwise. The practice of practical nursing is defined at 37-8-102, MCA.

(23) "Preceptorship" means practical training in the specialized area of APRN practice for which the applicant seeks licensure by the board.

(24) "Prescribing" means specifying advanced nursing intervention(s) intended to implement the defined strategy of care.

(25) "Prescription" means an order for a drug, as defined by 37-7-101, MCA, or any medicine, devices, or treatments.

(26) "PRN medication" ("pro re nata," Latin for "according as circumstances may require") means medication taken as necessary for the specific reason stated in the medication order, together with specific instructions for its use.

(27) "Registered nurse" means the same thing as "RN" and "professional nurse" unless the context of the rule dictates otherwise. The practice of professional nursing is defined at 37-8-102, MCA.

(28) "Routine medication" means medication taken regularly at the same time each day using the same route, or on the same days of the week, at the same time, using the same route.

(29) "Standard" means an authoritative statement by which the board can judge the quality of nursing education or practice.

(30) "Standardized procedures" means routinely executed nursing actions for which there is an established level of knowledge and skill.

(31) "Strategy of care" means the goal-oriented plan developed to assist individuals or groups to achieve optimum health potential. This includes initiating and maintaining comfort measures, promoting and supporting human functions and responses, establishing an environment conducive to well being, providing health counseling and teaching, and collaborating on certain aspects of the medical regimen including but not limited to the administration of medications and treatments.

(32) "Supervision" or "general supervision" means provision of guidance by a qualified nurse or a person specified in 37-8-102, MCA, for the accomplishment of a nursing task or activity with initial direction of the task or activity and periodic inspection of the actual act of accomplishing the task or activity.

(33) "Supervisor" means the health care professional identified by these rules as the person qualified to supervise another in the performance of nursing procedures and care. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-101, 37-8-102, 37-8-202, 37-8-422, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 1709, Eff. 8/15/08; AMD, 2008 MAR p. 2641, Eff. 11/7/08.)

Subchapter 4

General Provisions

24.159.401 FEES (1) The fee for licensure (RN or LPN) by examination (NCLEX) is \$100, payable at the time the application is submitted. This fee is retained by the board if the application is withdrawn.

(2) The fee for repeating the examination (NCLEX) for RN or LPN is \$100.

(3) The fee for licensure (RN or LPN) by endorsement is \$200, payable at the time the application is submitted. This fee is retained by the board if the application is withdrawn.

(4) The application fee for specialty area recognition (APRN) is \$75, and a fee of \$50 for each renewal period thereafter.

(5) The license (RN or LPN) renewal fee is \$100 per renewal period.

(6) The fee to reactivate a license (RN or LPN) is \$100.

(7) The prescriptive authority application fee is \$100.

(8) The renewal fee for prescriptive authority is \$75 per renewal period.

(9) The fee for inactive RN or LPN status is one half the licensure fee.

(10) The fee for the board resending a renewal application is \$20.

(11) The fee for a copy of the laws and rules book is \$20, with no restrictions on making duplicate copies from the original copy ordered.

(12) The fee for inactive APRN status is \$30 per renewal period.

(13) The fee for a temporary RN or LPN permit is \$25.

(14) The fee for a temporary permit for an APRN is \$35.

(15) The fee for medication aide initial licensure is \$25.

(16) The fee for medication aide licensure renewal is \$20 per year.

(17) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-134, 37-1-319, 37-8-202, MCA; IMP, 37-1-134, 37-1-141, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1994 MAR p. 2815, Eff. 10/28/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2001 MAR p. 2152, Eff. 10/26/01; AMD, 2002 MAR p. 2315, Eff. 8/30/02; AMD, 2003 MAR p. 2863, Eff. 12/25/03; AMD, 2004 MAR p. 2393, Eff. 10/8/04; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.402 FEE ABATEMENT (1) The board adopts and incorporates by reference the September 24, 2004, fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301.

(2) A copy of ARM 24.101.301 is available by contacting the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, MT 59620-0513. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.403 through 24.159.405 reserved

24.159.406 BOARD OBJECTIVES (1) The board shall function in the field of nursing as an administrative and supervisory agency within the governmental structure and shall:

- (a) implement the nursing practice act by promulgating and enforcing rules and regulations to protect the public health, safety, and welfare;
- (b) prescribe standards for the evaluation of nursing education programs preparing persons for registration and licensure and approve those programs which have achieved and are maintaining these minimum standards;
- (c) assure safe standards of nursing practice through examination, licensure, and renewal of licenses of qualified applicants including endorsement of qualified registered and practical nurses from other jurisdictions;
- (d) control the practice of nursing in the interest of society by means of investigation and appropriate legal action;
- (e) provide interpretation and consultation services to individuals and groups in matters relating to nursing education and nursing practices; and
- (f) collaborate and cooperate with other appropriate agencies or groups in efforts to assure public safety and to promote competent nursing practice. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.407 MEETINGS OF THE BOARD (1) The annual meeting shall be held in the first quarter of the state fiscal year.

(2) Special meetings may be called by the president or at the written request of two board members. The reason for the special meeting shall be stated in the call.

(3) Meeting dates for the next calendar year shall be approved by the board at its annual meeting in the year prior to its application.

(4) Board members shall receive a meeting agenda and other information as applicable to review prior to each meeting. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1994 MAR p. 1424, Eff. 5/27/94; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.408 OFFICERS OF THE BOARD (1) The term of office for each officer shall be for one year and shall begin on July 1. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.409 DUTIES OF THE PRESIDENT OF THE BOARD (1) The president shall:

(a) preside at all board meetings. In the event that the president is absent from a board meeting, a president pro-tem shall be elected by members present at the meeting to serve for that meeting;

(b) appoint members to serve on committees as may be created and may serve as ex-officio members of all committees with the exception of the screening panel;

(c) serve as the official representative of the board in its contacts with governmental, civic, business, and other organizations;

(d) retain the right to vote on all matters before the board;

(e) perform such other functions as pertain to the office of the president.

(History: 37-8-202, MCA; IMP, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1996 MAR p. 418, Eff. 2/9/96; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.410 DUTIES OF MEMBERS OF THE BOARD (1) The members acting as the board shall:

(a) transact the general business of the board;

(b) provide advice to the department concerning roles and functions of the board;

(c) develop and amend rules consistent with the law, to fulfill the provisions of the nursing practice act;

(d) develop policies for the transaction of board business which are consistent with good administrative practice;

(e) recommend the budget according to the laws and rules of the state of Montana. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1991 MAR p. 2435, Eff. 12/13/91; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.411 PARLIAMENTARY AUTHORITY (1) The rules contained in Robert's Rules of Order Newly Revised shall govern the meetings of the board in all cases where such rules are applicable and in which they are not inconsistent with these rules. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.412 through 24.159.415 reserved

24.159.416 QUALIFICATIONS FOR EXECUTIVE DIRECTOR OF THE BOARD (1) An executive director shall provide administrative services to the board to ensure:

(a) that policies and board processes are consistent with state and federal laws and regulations;

(b) that nursing education curricula and programs are consistent with Montana nursing statutes and rules and national education standards through oversight of periodic and ongoing approval processes;

(c) that licensure and related processes are efficient and effective;

(d) oversight of licensee compliance with nursing statutes and rules, including administrative direction of staff and board member compliance activities; and

(e) that necessary resources and support are provided to nursing board members and staff to enable those individuals or groups to perform their functions effectively.

(2) The executive director must be:

(a) a citizen of the United States;

(b) a graduate of an approved school of nursing;

(c) a holder of at least a master's degree with postgraduate courses in nursing;

(d) a registered professional nurse with at least three years experience in teaching or administration in an approved school of nursing, and three years clinical nursing practice.

(e) licensed as a registered professional nurse in Montana. (History: 37-8-204, 37-8-319, MCA; IMP, 37-8-204, MCA; NEW, 2001 MAR p. 2152, Eff. 10/26/01; TRANS, from Commerce, 2006 MAR p. 2035.)

Subchapter 5 reserved

Subchapter 6

Nursing Education Programs

24.159.601 STATEMENT OF PURPOSE FOR NURSING EDUCATION PROGRAM STANDARDS (1) These requirements provide a basis for the board to evaluate and approve nursing education programs and a format for nursing faculty and administrators to plan, implement, and evaluate nursing education for the following professional and practical nursing programs:

- (a) professional baccalaureate degree education for RN preparation;
- (b) professional associate degree education for RN preparation; and
- (c) associate degree education or certification for practical nursing preparation.

(2) The following rules set forth general requirements regarding all nursing education and specific requirements regarding:

- (a) curricula for:
 - (i) professional baccalaureate degree education for RN preparation;
 - (ii) professional associate degree education for RN preparation; and
 - (iii) associate degree education or certification for practical nursing preparation;
- (b) faculty qualifications and responsibilities; and
- (c) administrative roles and functions.

(3) These rules represent minimum requirements. The board shall interpret these rules to ensure that minimum requirements are met and to allow flexibility to determine the scope, limits and direction of the nursing education program. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.602 and 24.159.603 reserved

24.159.604 PHILOSOPHY, EDUCATIONAL OBJECTIVES, AND EXPECTED OUTCOMES OF NURSING EDUCATION PROGRAMS (1) The

faculty of the nursing education program shall develop and approve statements of philosophy, educational objectives, and expected outcomes that are consistent with those of the parent institution and with the statutes and rules governing the practice of nursing.

(2) The philosophy must include statements about nursing practice and nursing education.

(3) The above information must be included in the program catalog or otherwise made available to students. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.605 ORGANIZATION AND ADMINISTRATION OF NURSING EDUCATION PROGRAMS (1) Parent institutions conducting a nursing program must be accredited by the appropriate regional accrediting bodies.

(2) All agencies with which the program maintains cooperative agreements for use as clinical laboratories must have licensure, approval or accreditation appropriate to each agency.

(a) Cooperative agreements between nursing programs and clinical facilities must be current, in writing, signed by the responsible officers of each, and must include the following:

- (i) faculty responsibilities for teaching and clinical supervision of students, including responsibilities for planning and supervising learning experiences;
- (ii) student responsibilities; and
- (iii) expectations regarding the health status of students and faculty in a variety of settings.

(3) The organizational structure of the nursing program must be comparable to similar programs of the parent institution.

(4) Institutional policies governing the nursing program must be consistent with those policies governing other educational programs of the parent institution.

(5) Faculty and administration should participate in governance of the parent institution and policy development, including but not limited to, matters related to appeals and grievances. Policies governing faculty employment, promotion, and tenure must be in writing and consistent with those of the parent institution.

(6) A nursing education program must provide students with written policies regarding:

(a) admission, readmission, progression, dismissal, and graduation requirements;

(b) personal health practices, designed to protect students, clients and faculty members, and requiring student compliance;

(c) information regarding the process of obtaining a license;

(d) access to the institution/program catalog; and

(e) opportunity for students to participate in program policy development.

(7) Programs must maintain current records of student achievement within the program and provide students with timely evaluations based on educational objectives.

(8) Faculty members or other qualified persons shall be responsible for providing timely academic advice to students. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.606 EDUCATIONAL FACILITIES FOR NURSING EDUCATION PROGRAMS (1) There must be safe and accessible physical facilities and resources for students and faculty.

(2) Physical facilities must be designed to meet the educational and clinical needs of the program. Classrooms, laboratories, offices, and conference rooms must be of adequate size, number, and type according to the number of students and purposes for which these areas are to be used.

(3) The program must ensure:

(a) adequate supplies and equipment, including computer resources and audio visual aids; and

(b) adequate and convenient access by students and faculty to library and information resources, including sufficient titles, periodicals, computer data bases, and similar media resources.

(4) Clinical resources must be:

(a) delineated in and applicable to the educational objectives of the program; and

(b) under the control and supervision of the nursing faculty.

(5) Each program director, with faculty input, shall determine appropriate student to instructor ratios in the clinical setting. The ratio must provide safe, accessible, and appropriate supervision based on client health status, care setting, and student level of preparation. The ratio must not exceed ten students to one instructor. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.607 and 24.159.608 reserved

24.159.609 PROGRAM EVALUATION (1) All nursing programs must have a formal evaluation plan developed by the faculty that is conducted on a regular basis and must include opportunity for student participation.

(2) Evaluations must address the following areas:

- (a) the philosophy, educational objectives, and expected outcomes;
- (b) the curriculum;
- (c) policies governing recruitment, selection, progression, graduation, and other matters affecting education and health of students;
- (d) factors contributing to faculty development, evaluation and effectiveness;
- (e) the adequacy of clinical facilities for student experiences in a variety of inpatient and community-based settings;
- (f) the adequacy of educational facilities including classrooms, technology, skills laboratories, and library and information resources; and
- (g) health policy requirements.

(3) Program revisions must be based on evidence collected through the evaluation process. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.610 and 24.159.611 reserved

24.159.612 PROGRAM ANNUAL REPORT (1) An annual report for the current academic year must be submitted by June 1 of each year, except in the year in which the program submits a self-study report. Four copies must be submitted to the board office.

(2) The annual report must provide current data for interim evaluation by the full board. The report must include:

(a) progress during the past year toward achievement of the program's stated goals and the program's goals for the forthcoming year;

(b) progress toward board recommendations, if applicable;

(c) any changes during the last year in the following areas:

(i) qualifications or major responsibilities of the program director and/or faculty;

(ii) policies or practices used for selection, progression, and graduation of students;

(iii) practices followed in safeguarding the health and well-being of the students; and

(iv) curriculum plan, course descriptions, resources, and facilities;

(d) a summary of clinical agency contractual arrangements on a board furnished form; and

(e) a list of current faculty and identification of those faculty members on education waiver, to include:

(i) the date the board approved the waiver for each faculty member on waiver;

(ii) the date the faculty member completed the waiver requirements; and

(iii) the current number and percentage of faculty on waiver to the total full-time equivalents in the nursing program;

(f) a report of faculty members' pertinent professional development for the past year. This does not include standard agency requirements such as basic life support, blood-borne pathogens, etc.;

(g) current enrollment by course, including student to teacher ratios for clinical experiences;

(h) enrollment in the nursing program each year for the past five years;

(i) number of graduations from the nursing program each year for the past five years;

(j) a statement from the program director indicating that the nursing program's budget is sufficient to meet program needs;

(k) four current copies of the school catalog and student handbook; and

(l) current program evaluation plan with measurable goals and data to support the evaluation of attaining those goals. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, 37-8-302, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 1997 MAR p. 626, Eff. 4/8/97; AMD, 2001 MAR p. 2152, Eff. 10/26/01; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.613 and 24.159.614 reserved

24.159.615 RECOGNIZED ACCREDITATION BODIES (1) The board recognizes the following national accreditation bodies for purposes of approving nursing education programs:

- (a) Commission on Collegiate Nursing Education (CCNE); and
- (b) National League for Nursing Accrediting Commission (NLNAC).

(2) The board recognizes the following regional accreditation body for purposes of approving nursing education programs:

- (a) Northwest Association of Schools and Colleges. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, 37-8-302, MCA; NEW, 2003 MAR p. 1080, Eff. 5/23/03; AMD, 2004 MAR p. 641, Eff. 3/26/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.616 through 24.159.624 reserved

24.159.625 FEASIBILITY STUDY FOR INITIAL APPROVAL OF NURSING PROGRAM (1) An educational institution wishing to establish a program in nursing and to secure initial approval shall submit to the board a feasibility study by either December 1 or September 1 for review at the board's January or October, respectively, board meetings. For programs under the jurisdiction of the Montana Board of Regents, a common document shall be submitted.

(2) The feasibility study must include at least the following information:

- (a) population data within the past three years and workforce supply and demand data from the past year documenting the need for the program as it relates to plans for total state resources and nursing education needs within the state;
- (b) purpose and classification of program;
- (c) availability of qualified faculty;
- (d) budgeted faculty positions;
- (e) availability of adequate clinical and academic facilities for the program;
- (f) evidence of financial resources adequate for the planning, implementation, and continuation of the program;
- (g) anticipated student population;
- (h) tentative time table for planning and initiating the program; and
- (i) consideration of how the proposed program may affect existing nursing programs in the state, and indication that plans and the feasibility study regarding the proposed program have been shared with the directors of existing programs in the state.

(3) When the data submitted in the feasibility study are reviewed, the board may request additional information and may conduct a site visit to evaluate the information submitted.

(4) Approval of the feasibility study by the board permits the institution to continue planning but does not assure subsequent approval.

(5) The following conditions must be met prior to application for initial program approval:

- (a) a qualified nurse administrator has been appointed and there are plans for sufficient qualified faculty to initiate the program; and
- (b) a tentative written proposed program plan developed in accordance with the current Standards for Montana Schools of Professional or Practical Nursing has been submitted.

(c) For programs under the jurisdiction of the Montana Board of Regents, the board will make a recommendation to the Montana Board of Regents concerning the quality of the proposed program's curriculum, faculty, and clinical experiences and will make its final decision on approval only after receiving notification of the program's approval from the Board of Regents. The program may then admit students who shall be eligible upon completion of the program to take the licensing examination.

(6) Between six months and one year following the feasibility study, the board shall review and conduct a site visit utilizing the initial application and feasibility study for the proposed program, and may grant initial approval following board review. Any communications from the board must be sent to the program director and the leadership of the parent institution.

(7) Progress reports shall be made to the board as requested.

(8) Following graduation of the first class, a self-study report of compliance with ARM Title 24, chapter 159, subchapter 6, shall be submitted and a site visit may be made. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-202, 37-8-301, 37-8-302, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2003 MAR p. 1080, Eff. 5/23/03; AMD, 2005 MAR p. 742, Eff. 5/13/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.626 through 24.159.629 reserved

24.159.630 SCHOOL SITE VISITS AND CONTINUED APPROVAL OF SCHOOLS (1) To ensure ongoing compliance with the board's statutes and rules, approved nursing education programs must be site visited and reevaluated for continued approval at least every ten years and in conjunction with the program's visit from an approved, recognized national nursing accreditation body. If the program is not nationally accredited, the board must perform approval site visits at least every five years.

(2) Before a site visit, a school that is not nationally accredited must submit a self-study report to the board office providing evidence of compliance with the appropriate nursing education requirements. The school must forward four copies of the self-study report and four copies of the school catalog to the board office at least 60 days before a scheduled site visit. If a program holds national nursing accreditation, any self-study report used for the accrediting body must be submitted to the board office at least 60 days before the scheduled site visit.

(3) The site visit is performed by a qualified site visitor and the board's executive director on dates mutually agreeable to the board and the school.

(a) Schools must participate in scheduling the site visit.

(b) The site visitor's report must be made available to the school within 60 days of the site visit.

(c) The school may submit a written response to the site visitor's report for clarification and correction within 30 days of receipt of the report.

(d) Site visit reviewers must include, but not be limited to, the executive director of the board and an outside reviewer with expertise in relation to the type of program being reviewed.

(4) The board shall review the self-study report. Materials and site visit reports must be in the board office at least 30 days before the next scheduled board meeting.

(5) Following the board's review and decision, the board must send written notification regarding approval of the program and the board's recommendations to the program director and the leadership of the parent institution.

(6) The board office shall issue a certificate of approval to all schools continuing to meet the minimum nursing program requirements.

(7) The board may site visit a program at any time as deemed necessary by the board or at the request of the school.

(8) Each nursing program must maintain an annual NCLEX pass rate that is not ten percentage points or more below the national average pass rate for first-time test takers.

(a) The first year a program's average pass rate is ten percentage points or more below the national average, the program will be issued a letter of notice from the board.

(b) The second consecutive year a program's average pass rate is ten percentage points or more below the national average, the program will be placed on conditional status by the board. The program must submit to the board a written plan to improve the pass rate.

(c) The third consecutive year a program's average pass rate is ten percentage points or more below the national average, the program must submit a self-study report to the board. The board will also perform a site visit.

(d) Board decisions regarding compliance with this requirement for RN programs having less than 21 students per year and/or PN programs having less than 15 students per year will be based upon two consecutive years of NCLEX pass rates for first-time test takers. (History: 37-8-202, MCA; IMP, 37-8-301, 37-8-302, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from ARM 8.32.414, & AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 1997 MAR p. 1176, Eff. 4/8/97; AMD, 2003 MAR p. 1192, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.631 through 24.159.634 reserved

- 24.159.635 REQUIREMENTS FOR SPECIAL REPORTS ON CHANGES AFFECTING PROGRAM INCLUDING PROGRAM EXPANSION (1) The program director is required to notify the board of any proposed substantive change affecting the nursing education program. Substantive changes include, but are not limited to:
- (a) changes in legal status, control, ownership, or resources of the institution;
 - (b) change in accreditation or approval status;
 - (c) major curriculum revisions;
 - (d) change in degree offerings or program options;
 - (e) additional geographic sites or locations; and
 - (f) an expansion involving:
 - (i) an increase in the number of students served by a program that equals or exceeds the numerator in the student to faculty ratio requirements for clinical settings set by the board and national nursing accrediting agency standards; and
 - (ii) the increase in (1)(f)(i) requires at least one of the following:
 - (A) addition of one or more faculty to the program;
 - (B) addition of clinical experiences at clinical agencies not currently used by the program; or
 - (C) addition of clinical experiences at clinical agencies currently used by the program, but utilizing nontraditional times or nontraditional instructional methods.
- (2) The board will review the special reports at their January or October board meetings. For programs under the jurisdiction of the Montana Board of Regents, the board will make a recommendation to the Montana Board of Regents concerning the substantive change. If the board does not complete its review and recommendations in January or October, it shall do so at its next quarterly meeting.
- (3) The substantive change report must document how, if at all, the change affects the program's compliance with the board's statutes and rules.
- (4) Continued approval of the program is contingent upon the program director's apprising the board of substantive changes.
- (5) The program director shall contact the board office to determine whether a particular change constitutes a substantive change for submitting a report to the board.
- (6) Fourteen copies of the special report must be sent to the board office for distribution to board members and staff. No further information will be considered by the board if not submitted at least 30 days before the meeting.

(7) For proposed program expansion, at least the following information must be included:

- (a) purpose and classification of program;
 - (b) availability of qualified faculty;
 - (c) budgeted faculty positions;
 - (d) availability of adequate clinical and academic facilities for the program;
 - (e) evidence of financial resources adequate for the planning, implementation, and continuation of the program;
 - (f) anticipated student population and impact or relationship to current student population, including plans for student academic and financial support;
 - (g) tentative timetable for planning and initiating the program;
 - (h) consideration of how the proposed expansion may affect the existing nursing programs in the state, and indication that plans and the feasibility study regarding the proposed expansion have been shared with the directors of existing Montana programs;
 - (i) population data within the past three years and workforce supply and demand data from the past year documenting the need for the program change as it relates to plans for total state resources and nursing education needs within the state;
 - (j) curriculum modifications required to accommodate the targeted student population; and
 - (k) evidence showing the program's NCLEX pass rates being at or above the national average for at least three of the last five years.
- (8) Program expansion means offering additional degrees, adding geographic sites and locations, or otherwise expanding the program.
- (9) The board shall approve the request prior to initiation of any requested change.
- (10) Any additional information requested by the board must be provided by the program in the period and manner specified by the board. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, 37-8-302, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 2152, Eff. 10/26/01; AMD, 2003 MAR p. 1080, Eff. 5/23/03; AMD, 2005 MAR p. 742, Eff. 5/13/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.636 through 24.159.639 reserved

24.159.640 CHANGE IN APPROVAL STATUS (1) The board shall make a change in approval status when a school does not meet all of the requirements of the statutes and rules. The board shall notify the school of a change in approval status and the time and manner in which the school must correct the deficiencies.

(2) Change in approval status may be given for a specific time period. The board may require a special report and/or repeat the site visit during the period of the change in approval status.

(3) If the school does not correct the deficiencies within the time period and in the manner specified, the board may require that the school stop admitting students until the deficiencies are corrected.

(4) The board will not approve a school if requirements are continually unmet. The board shall remove the school from the list of approved schools and notify the applicable national accrediting body.

(5) If the board removes the school's approval status and/or notifies the school to stop admitting students, the school may request a hearing in accordance with the Montana Administrative Procedure Act and Title 37, chapter 1, part 3, MCA.

(6) Once deficiencies are corrected, the board shall reinstate the program to conditional or approval status.

(7) A program on conditional status cannot be considered for any type of program expansion. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, 37-8-302, MCA; NEW, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.641 through 24.159.649 reserved

24.159.650 NURSING EDUCATION PROGRAM DIRECTOR

(1) Baccalaureate and associate degree RN programs must be administered by a full-time program director who shall be responsible for program administration and preparation, presentation and administration of the budget of the nursing program. The directors of the professional programs shall possess the following licensure, education and experience qualifications:

(a) a current unencumbered license to practice as a registered nurse in the state of Montana;

(b) at least two years of experience in nursing practice; and

(c) at least two years of experience in nursing education, including didactic and clinical teaching.

(2) The director of the baccalaureate program shall possess a doctorate in nursing or a related field, from a nationally recognized accredited program, with preparation in education and administration. If a master's degree is not held, one of the graduate degrees must be in nursing.

(a) The board may allow an exception to the educational requirement of a doctorate for a period not to exceed one academic year. Such an exception would require the interim director to hold at least a master's degree in nursing.

(3) The director of the associate degree RN program shall possess a master's degree in nursing or public health with a major in nursing, from a nationally recognized accredited program, with preparation in education and administration.

(4) Practical nursing education programs must be administered by a full-time program director who shall devote a minimum of 50 percent time to administrative activities and shall possess the following qualifications:

(a) a current unencumbered license to practice as a registered nurse in the state of Montana;

(b) a master's degree with a major in nursing or a minimum of a baccalaureate degree in nursing, supplemented by courses in curriculum development, principles and methods of teaching, and measurement and evaluation;

(c) at least two years of experience in nursing practice; and

(d) at least two years of experience in nursing education, including didactic and clinical teaching.

(5) All program directors shall have appropriate rank, position and authority to carry out the duties set forth above. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2001 MAR p. 167, Eff. 1/26/01; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.651 through 24.159.654 reserved

24.159.655 NURSING EDUCATION FACULTY RESPONSIBILITY

- (1) There must be a sufficient number of qualified faculty to meet the purposes and objectives of the nursing program. Faculty includes all nurses employed by the program to provide didactic and/or clinical/laboratory experiences, except clinical resource nurses and preceptors.
- (2) Faculty shall have primary responsibility for the development and conduct of the academic program(s), including participation in program policy development.
- (3) Faculty shall maintain continuing professional development in each area of academic responsibility.
- (4) Faculty members who have responsibility for clinical teaching shall have relevant education and/or experience.
- (5) Faculty member titles should be consistent with faculty functions and the same as or equivalent to titles of faculty of other units of the parent institution.
- (6) Faculty members shall be responsible for:
 - (a) planning, implementing, and evaluating learning experiences;
 - (b) participating in academic student advising;
 - (c) providing for student and peer evaluation of teaching effectiveness;
 - (d) evaluating student achievement in terms of education objectives;
 - (e) providing opportunity for creative student activities that contribute to positive changes in nursing, nursing education, or health care;
 - (f) providing service to the parent institution, nursing program, profession, and community; and
 - (g) participating in the selection of new faculty and the promotion and tenure of other faculty.
- (7) Faculty workloads should be equitable, and must allow time for:
 - (a) class and lab preparation;
 - (b) teaching;
 - (c) program revision;
 - (d) improvements of teaching methods;
 - (e) guidance of students;
 - (f) participation in faculty organization and committees;
 - (g) attendance at professional meetings; and
 - (h) participation in continuing education activities.
- (8) Written job descriptions and performance expectations must be available for each position.
- (9) Personnel policies must be in writing and must include selection, appointment, promotion, and faculty development. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.656 FACULTY QUALIFICATION REPORT (1) The school must submit a faculty qualification form for each new faculty member when the faculty appointment becomes effective. Such forms are available from the board office and on the board's web site and must be used by the school.

(2) The education committee of the board shall accept or reject the faculty qualifications and make recommendations for ratification by the full board. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, 37-8-302, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.657 and 24.159.658 reserved

24.159.659 FACULTY FOR REGISTERED NURSING EDUCATION PROGRAMS (1) All nursing faculty members, including part-time faculty, shall:

- (a) hold an unencumbered license as a registered nurse in Montana;
- (b) have preparation for teaching in their respective area of responsibility;

and

(c) except as provided in this rule, hold at least a master's degree with a major in nursing, or a doctorate in nursing, from a nationally accredited program.

(2) Faculty members hired without a graduate degree or who hold a master's or doctorate in a health-related field other than nursing may be considered by the board and, if approved, shall not exceed the number or percentage specified by this rule.

(3) Faculty members not holding any master's degree will have three years from the date of hire to obtain a master's degree as set forth by the faculty qualifications.

(4) For each faculty member who does not meet the education requirements of (1), the program director shall immediately notify the board in writing of the hire of the nonmaster's prepared faculty member along with a plan to address compliance with the education requirements.

(5) Failure to comply with this rule constitutes noncompliance with board rules, and will subject the program to action deemed appropriate by the board, including loss of the program's approval.

(6) A maximum of 10 percent or two faculty members, whichever is greater based on FTE, may come under the exception at any point in time at a given school.

(7) When providing direct patient care, no more than ten students may be supervised at a time by a faculty member. The number of students must be determined by the educational and clinical resources and faculty sufficient to meet the goals of the program and the requirements of the board. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.660 and 24.159.661 reserved

24.159.662 FACULTY FOR PRACTICAL NURSING EDUCATION

PROGRAMS (1) All nursing faculty, including part-time, shall hold at least a baccalaureate in nursing or a master's degree from a nationally accredited program supplemented by courses in curriculum development, principles and methods of teaching, and measurement and evaluation.

(2) Faculty members shall:

(a) have at least two years experience in registered nursing practice within the last five years; and

(b) hold a current unencumbered license to practice professional nursing in the state of Montana.

(3) When providing direct patient care, no more than ten students may be supervised at a time by a faculty member. The number of students must be determined by the educational and clinical resources and faculty sufficient to meet the goals of the program and the requirements of the board.

(4) A maximum of ten percent or two faculty members, whichever is greater based on full-time equivalents, may qualify under an exception at any point in time at a given school. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.663 and 24.159.664 reserved

24.159.665 PRECEPTORS IN NURSING EDUCATION PROGRAMS

- (1) When utilizing preceptors, faculty members are responsible for:
- (a) ensuring safe, accessible and appropriate supervision based on client health status, care setting, course objectives and student level of preparation; and
 - (b) lecture and laboratory portions of a course.
- (2) In registered nursing education programs, preceptors may assist with clinical teaching provided the preceptor:
- (a) holds a current unencumbered license as a registered nurse in Montana; and
 - (b) works with students on a one-to-one basis in the clinical setting.
- (3) In practical nursing education programs, preceptors may assist with clinical teaching provided the preceptor:
- (a) holds a current unencumbered license as a registered nurse or practical nurse in Montana; and
 - (b) works with students on a one-to-one basis in the clinical setting. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; AMD, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.666 USE OF CLINICAL RESOURCE REGISTERED NURSES (CRRNS) IN NURSING EDUCATION PROGRAMS

- (1) A clinical resource registered nurse (CRRN) is an RN with an unencumbered Montana nursing license who provides supervision, demonstration, and evaluation of direct patient care in a clinical or laboratory setting to students enrolled in a nursing education program.
- (2) The maximum number of nursing students a CRRN may work with at any one time is ten.
- (3) Although a CRRN is not considered to be a faculty member of a program, a CRRN may be used by the program to maintain a ten-to-one student-to-instructor supervision ratio in a clinical or laboratory setting.
- (4) When using CRRNs, faculty members remain responsible for:
- (a) ensuring safe, accessible, and appropriate supervision based on client health status, care setting, course objectives, and student level of preparation; and
 - (b) the lecture and laboratory portions of a course. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, 37-8-302, MCA; NEW, 2003 MAR p. 1080, Eff. 5/23/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.667 through 24.159.669 reserved

24.159.670 CURRICULUM GOALS AND GENERAL REQUIREMENTS FOR PROFESSIONAL NURSING EDUCATION IN BACCALAUREATE AND ASSOCIATE DEGREE PROGRAMS

(1) A curriculum is the content and learning experiences designed to facilitate student achievement of the educational objectives.

(2) The faculty shall develop, review, and update the curriculum on an ongoing basis. The curriculum for the professional nursing educational programs must meet the following general criteria:

(a) reflect the philosophy, organizational framework, purpose, and educational objectives of the nursing education program and be consistent with the laws governing the practice of professional nursing;

(b) contain content and learning experiences designed to facilitate student achievement of the educational objectives;

(c) contain learning experiences and instructional methods appropriate to fulfill curriculum objectives;

(d) reflect future nursing practice of the graduate;

(e) contain adequate nursing course work and clinical experiences to develop safe and effective nursing practice; and

(f) address present and future health care needs.

(3) The curriculum shall include concepts related to the promotion, maintenance, and restoration of the health of clients across the lifespan. Content areas and learning activities include, but are not limited to:

(a) healthy lifestyles and risk factors;

(b) health needs and alterations across the lifespan;

(c) acute and chronic health needs; and

(d) health needs related to social and environmental trends.

(4) The curriculum shall include nonnursing courses that provide knowledge in relevant physical sciences, social sciences, and arts and humanities.

(a) Physical science course content shall include, but not be limited to:

- (i) chemistry;
- (ii) anatomy;
- (iii) physiology;
- (iv) microbiology;
- (v) nutrition;
- (vi) mathematics;
- (vii) physics;
- (viii) pharmacology; and
- (ix) pathophysiology.

(b) Social sciences, and arts and humanities course content shall include, but not be limited to:

- (i) human growth and development;
- (ii) psychology;
- (iii) sociology;
- (iv) communications;
- (v) ethics; and
- (vi) economics.

(5) The length, organization, and placement of courses must be consistent with the philosophy and objectives of the program. Course organization and sequencing shall assure that prerequisite concepts and understanding are used and further developed as the program progresses. Course instruction should focus on understanding and application of knowledge, and extend throughout the program.

(6) For each clinical credit hour, there shall be at least two hours of applied laboratory experience. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.671 through 24.159.673 reserved

24.159.674 CURRICULUM GOALS SPECIFIC TO BACCALAUREATE DEGREE REGISTERED NURSE (1) The baccalaureate degree nurse graduate shall be prepared to plan, deliver, and coordinate care for clients including individuals, families, and communities in a variety of structured and unstructured settings with an emphasis on care management, complex care situations, and clients with unpredictable outcomes. The baccalaureate degree nurse functions as a change agent in the health care system and utilizes nursing research findings in the delivery of care. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.675 and 24.159.676 reserved

24.159.677 CURRICULUM GOALS SPECIFIC TO ASSOCIATE DEGREE REGISTERED NURSE (1) The role of the associate degree nurse graduate is to provide direct care to clients, individuals, or groups, in a variety of structured settings with clear policies and procedures. Within this context, the curriculum must relate to the roles of the provider of the associate degree nurse as provider of care, manager of care, and member of the discipline of nursing.

(a) As a provider of care, the associate degree nurse must demonstrate the following:

- (i) critical thinking;
- (ii) accountability;
- (iii) clinical decision-making through use of the nursing process;
- (iv) effective communication with clients, families, and health team members;
- (v) teaching and collaboration with the client and family;
- (vi) collaboration with members of the health team; and
- (vii) sensitivity to individual and cultural diversity.

(b) As a manager of care, the associate degree nurse must demonstrate the following:

- (i) coordination of care for a group of clients using collaboration and consultation;
- (ii) organization and delegation of nursing care;
- (iii) information management;
- (iv) client advocacy; and
- (v) evaluation of health care delivery using client-centered outcomes.

(c) As a member of the discipline of nursing the associate degree nurse must demonstrate basic knowledge in the following:

- (i) self-assessment and development and continuous learning;
- (ii) ethical-legal framework for nursing practice;
- (iii) advancement of nursing practice through professional activities;
- (iv) political, economic, and societal forces affecting nursing practice and health care delivery; and
- (v) health care change and nursing research.

(2) Nonnursing courses must provide graduates with basic knowledge in the relevant physical sciences, social sciences, and arts and humanities. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.678 and 24.159.679 reserved

- 24.159.680 CURRICULUM GOALS AND REQUIREMENTS FOR PRACTICAL NURSING EDUCATION PROGRAMS (1) The primary role of the practical nurse graduate is to provide nursing care for clients in structured health care settings who are experiencing common, well-defined health problems. In their roles as members of the discipline of nursing, practical nurses actively participate in and subscribe to the legal and ethical tenets of the discipline. The practical nurse functions under supervision as set forth in 37-8-102, MCA.
- (2) The curriculum must include basic knowledge of:
 - (a) nursing process;
 - (b) client's physiological needs;
 - (c) client's psychosocial needs; and
 - (d) maintenance and promotion of health.
 - (3) The curriculum must provide for progressive development of knowledge, skills, and professional conduct.
 - (4) The choice and placement of courses, selection of learning activities, and the organization of these must provide continuity, sequence, and integration in the total curriculum.
 - (5) Learning experiences must be based on written behavioral objectives which include demonstration of knowledge, comprehension, and application.
 - (6) The program must include practical nursing theory and guided clinical practice based on the nursing process. It must include the content essential to current practice in practical nursing.

(7) The practical nurse student shall successfully complete coursework related to the role of charge nurse in the following areas to prepare the graduate practical nurse to serve as a charge nurse:

- (a) leadership;
- (b) telephone orders;
- (c) transcribing orders;
- (d) documentation;
- (e) nursing process;
- (f) prioritization;
- (g) organization; and
- (h) delivery of long-term care.

(8) Content of the course work related to the role of charge nurse shall be developed in recognition of the role of charge nurse as supervisor of care provided as well as care needed, assessment of clients, notifying the professional nurse supervisor, notifying physicians, and the administration of medications and treatments.

(9) The practical nurse student shall successfully complete courses in the following areas to prepare the graduate practical nurse to administer intravenous therapy:

- (a) fluid and electrolytes;
- (b) the following types of intravenous solutions:
 - (i) isotonic;
 - (ii) hypotonic; and
 - (iii) hypertonic;
- (c) infection control;
- (d) pharmacology;
- (e) technology and clinical application;
- (f) parenteral nutrition;
- (g) documentation;
- (h) nursing process in relation to IV therapy; and
- (i) institutional policies.

(10) Content of the courses shall be developed in recognition of the role of the practical nurse to perform intravenous therapy in accordance with the standards set forth at ARM 24.159.1011. (History: 37-8-202, 37-8-301, MCA; IMP, 37-8-301, MCA; NEW, 1997 MAR p. 626, Eff. 7/1/97; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Subchapters 7 and 8 reserved

Subchapter 9

Medication Aides

24.159.901 DEFINITIONS As used in this subchapter, the following definitions apply:

(1) "Allowable routes" means oral, sublingual, topical, ophthalmic, otic, nasal, and inhalant methods of administration, except as otherwise provided by rule.

(2) "General supervision", with respect to a medication aide, means at least quarterly on-site review, by a supervising nurse, of a medication aide's medication administration skills and the guidance of a supervising nurse to include a written plan addressing questions and situations that may arise when the supervising nurse is not available. Such a plan must include access to a health care professional.

(3) "Medication aide" means an employee of an assisted living facility who, under the general supervision of a Montana licensed nurse, administers PRN and routine medication as defined in ARM 24.159.301, to residents of the assisted living facility, and who:

(a) is 18 years of age or older;

(b) has a high school diploma; and

(c) has successfully passed a board approved medication aide training program and examination. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 2006 MAR p. 2035, Eff. 8/25/06.)

Rule 24.159.902 reserved

24.159.903 PURPOSE OF STANDARDS OF PRACTICE FOR THE
LICENSED MEDICATION AIDE (1) The purpose of the standard is to:

- (a) establish minimal acceptable levels of safe and effective practice for the medication aide; and
- (b) serve as a reference for the board to evaluate safe and effective medication aide practice. (History: 37-1-131, 37-8-202, MCA; IMP, 37-8-101, MCA; NEW, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, 2006 MAR p. 2035.)

Rule 24.159.904 reserved

24.159.905 GENERAL REQUIREMENTS FOR MEDICATION AIDE TRAINING PROGRAMS AND INSTRUCTORS (1) The board shall approve medication aide training programs. The program must include the following components:

- (a) "the six rights of medication administration";
- (b) purposes of medications;
- (c) classes of medications;
- (d) allowable routes of administration of medications;
- (e) care, storage and regulation of controlled substances and medications;
- (f) how to administer medications;
- (g) adverse reactions, side effects, and allergies to medications;
- (h) medication log;
- (i) medication error reporting;
- (j) documentation;
- (k) how and when to report to the supervising nurse; and
- (l) completion of the board-approved skills checklist.

(2) The training program shall be no less than 32 hours of didactic classroom presentation, eight hours of simulated practical experience, and 40 hours of direct, supervised clinical experience.

(3) The training program must assure an instructor to student ratio of no less than one instructor to five students in the clinical practice setting and one instructor to ten students in the clinical laboratory setting. The supervised clinical experience shall be obtained under the direction of a nurse with an unencumbered Montana license, and who need not be the board-approved instructor.

(4) The board shall approve instructors for medication aide training programs. The training program instructor must:

- (a) be a nurse with an unencumbered Montana license;
- (b) have at least two years of nursing experience in the last five years, one year of which shall be in long-term care or home health, hospice, assisted living, or other community based setting; or, be a state certified nursing assistant instructor; and
- (c) have a working knowledge of assisted living facility rules and regulations.

(History: 37-1-131, 37-8-202, MCA; IMP, 37-8-101, 37-8-202, 37-8-422, MCA; NEW, 2004 MAR p. 2393, Eff. 10/8/04; AMD, 2005 MAR p. 2251, Eff. 11/11/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.906 through 24.159.909 reserved

24.159.910 GENERAL REQUIREMENTS FOR LICENSURE AS

MEDICATION AIDE (1) The applicant for licensure may apply to take the Montana medication aide exam if the applicant:

(a) has completed a board approved medication aide training program as outlined in these rules; or

(b) holds an unencumbered certification or license in another state or U.S. jurisdiction to administer medications.

(2) In order to be licensed as a medication aide in Montana, the applicant shall pass the board approved medication aide exam at 85 percent proficiency.

(a) The applicant may retake the examination once if not successful the first time. If not successful on the second try, the applicant must retake and pass the medication aide training program before being eligible to take the examination again.

(b) The applicant must pass the exam within six months of satisfactorily completing the medication aide training program, or else the applicant must complete the training program again before being eligible to take the exam.

(3) The application will be kept on file for one year. If the applicant fails to complete the requirements for application within one year, a new application will be required.

(4) Licenses shall be issued for one-year periods, and shall expire on the date set by ARM 24.101.413.

(5) Renewal notices will be sent as specified in ARM 24.101.414 which must be completed and returned to the board before the date set by ARM 24.101.413, together with the renewal fee. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-1-141, 37-8-101, 37-8-202, MCA; NEW, 2004 MAR p. 2393, Eff. 10/8/04; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.911 through 24.159.914 reserved

24.159.915 STANDARDS RELATED TO THE MEDICATION AIDE'S RESPONSIBILITIES AS A MEMBER OF HEALTH TEAM (1) The medication aide shall:

(a) practice under the general supervision of a nurse with an unencumbered Montana license;

(b) practice only in an assisted living facility as defined by 50-5-101, MCA;

(c) administer only medications that are in:

(i) a unit dose package; or

(ii) a prefilled medication holder;

(d) administer only PRN and routine medications as defined in ARM

24.159.301;

(e) administer medications only by allowable routes as defined in ARM

24.159.901, except:

(i) insulin may be subcutaneously injected from a prefilled, labeled, unit dose syringe; and

(f) notify the supervising nurse if:

(i) the patient has a change in medication, and the medication is not available as described in (1)(c); or

(ii) the medication aide has observed a change in the patient's physical or mental condition. (History: 37-1-131, 37-8-202, MCA; IMP, 37-8-202, 37-8-422, MCA; NEW, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Subchapter 10

Licensed Practical Nurses

Rules 24.159.1001 and 24.159.1002 reserved

24.159.1003 PURPOSE OF STANDARDS OF NURSING PRACTICE FOR THE PRACTICAL NURSE (1) The purpose of the standards is to:

(a) establish minimum acceptable levels of safe and effective practice for the practical nurse; and

(b) serve as a guide for the board to evaluate safe and effective nursing care.

(History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1985 MAR p. 1556, Eff. 10/18/85; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 1709, Eff. 8/15/08.)

24.159.1004 STANDARDS RELATED TO THE PRACTICAL NURSE'S APPLICATION OF THE NURSING PROCESS

(1) The practical nurse shall perform standardized, focused nursing assessments in the care of clients by:

(a) collecting, reporting, and recording objective and subjective data in an accurate and timely manner. Data collection includes:

- (i) observation about the condition or change in condition of the client; and
- (ii) signs and symptoms of deviation from normal health status.

(2) The practical nurse shall participate in the development of the strategy of care in collaboration with other members of the health team by:

- (a) providing data;
- (b) identifying priorities;
- (c) setting realistic and measurable goals;
- (d) identifying measures to maintain comfort, support human functions and responses, and maintain an environment conducive to well-being; and
- (e) providing health teaching.

(3) The practical nurse shall participate in the implementation of the strategy of care by:

- (a) providing nursing care for clients under the supervision of licensed health care providers as per 37-8-102, MCA;
- (b) providing an environment conducive to safety and health; and
- (c) documenting and otherwise communicating nursing interventions and client responses to care with other members of the health care team via written, electronic, or verbal mechanisms of communication, as appropriate, based on client evaluations.

(4) The practical nurse shall contribute to the modification of the strategy of care. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1985 MAR p. 1556, Eff. 10/18/85; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 1709, Eff. 8/15/08.)

24.159.1005 STANDARDS RELATED TO THE PRACTICAL NURSE'S RESPONSIBILITIES AS A MEMBER OF THE HEALTH TEAM (1) The practical nurse shall:

- (a) have knowledge of the statutes and rules governing nursing and function within the legal boundaries of practical nursing practice;
- (b) accept responsibility for individual nursing actions and competence;
- (c) function under the supervision of licensed health care providers as per 37-8-102, MCA;
- (d) consult with and seek guidance from registered nurses and/or other health team members as necessary;
- (e) function as a member of the health team;
- (f) contribute to the formulation, interpretation, implementation, and evaluation of the objectives and policies related to practical nursing practice;
- (g) participate in the evaluation of nursing practices;
- (h) report unsafe nursing practice to the board and unsafe practice conditions to recognized authorities;
- (i) report the practice of nursing by unlicensed individuals to the board;
- (j) conduct practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin, or handicap;
- (k) respect the dignity and rights of clients regardless of social or economic status, personal attributes, or nature of health problems;
- (l) respect the client's right to privacy by protecting confidential information, unless obligated by law to disclose such information;
- (m) respect the property of clients, family, significant others, and the employer; and
- (n) follow the written, established policies and procedures of the health care organization that are consistent with this chapter. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1985 MAR p. 1556, Eff. 10/18/85; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 1709, Eff. 8/15/08.)

24.159.1006 STANDARDS RELATED TO THE PRACTICAL NURSE'S ROLE IN COSMETIC PROCEDURES (1) The practical nurse who has the proper training and on-going competency and while under the direct supervision of a physician may perform procedures using the following technologies:

- (a) lasers;
- (b) intense pulsed light sources;
- (c) microwave energy;
- (d) radio frequency;
- (e) electrical impulse; and
- (f) dermatologic technologies that cut or alter living tissue.

(2) The practical nurse who has the proper training and on-going competency and while under the direct supervision of a physician may inject or insert the following:

- (a) botulism toxins, commonly referred to as "botox";
- (b) natural and synthetic collagens;
- (c) silicone;
- (d) sclerotherapy agents; or
- (e) natural or synthetic filler materials. (History: 37-1-131, 37-8-202, MCA;

IMP, 37-1-131, 37-8-102, 37-8-202, MCA; NEW, 2004 MAR p. 641, Eff. 3/26/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 1709, Eff. 8/15/08.)

Rules 24.159.1007 through 24.159.1009 reserved

24.159.1010 STANDARDS RELATED TO INTRAVENOUS (IV) THERAPY

(1) Prior to performing IV therapy, the practical nurse must have successfully completed a course of study that includes a process for evaluation, demonstration, and documentation of the knowledge, skills, and abilities required for safe administration of IV therapy procedures. Education and competency may be obtained through a board-approved, prelicensure nursing education program or a course of study utilizing appropriate education methods and qualified faculty.

(2) The practical nurse who has met the education and competency requirements of this rule may perform the following functions with venous access devices (central, midline, and peripheral) under the appropriate level of supervision:

- (a) calculate and adjust IV infusion flow rate, including monitoring and discontinuing infusions;
- (b) observe and report subjective and objective signs of adverse reactions to any IV administration and initiate appropriate nursing interventions;
- (c) draw blood;
- (d) monitor access site and perform site care and maintenance;
- (e) monitor infusion equipment;
- (f) change administration set, including add-on device and tubing;
- (g) perform intermittent flushes for line patency maintenance;
- (h) convert a continuous infusion to an intermittent infusion;
- (i) insert or remove a peripheral venous access device, except central or midline catheters;
- (j) initiate and administer IV medications and fluids that are commercially prepared or mixed and properly labeled by a registered nurse, pharmacist, physician, podiatrist, APRN, or dentist, in accordance with ARM 24.174.511;
- (k) administer the following classifications of medications for adult clients via push or bolus:
 - (i) analgesics (including opiates);
 - (ii) antiemetics;
 - (iii) analgesic antagonists;
 - (iv) diuretics;
 - (v) corticosteroids;
 - (vi) standard flush solutions (heparin or saline); or
 - (vii) glucose.
- (l) administer, monitor, and discontinue parenteral nutrition, fat emulsion solutions;
- (m) assume monitoring of the administration of blood, blood components, or plasma volume expanders after the registered nurse has initiated and monitored the client for fifteen minutes; and
- (n) discontinue the infusion of blood, blood components, or plasma volume expanders.

(3) Under the direct supervision of a dialysis registered nurse, the following hemodialysis procedures may be performed by a competent practical nurse:

- (a) insert an arterio-venous fistula/graft needle;
- (b) administer prescribed local anesthesia as needed prior to dialysis needle insertion;
- (c) access, draw blood, flush with a normal saline solution or a specific heparin flush solution, and change dressings of hemodialysis central venous catheters; and
- (d) administer prescribed doses of routine dialysis heparin. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1997 MAR p. 1176, Eff. 4/8/97; AMD, 1998 MAR p. 2473, Eff. 9/11/98; AMD, 2000 MAR p. 954, Eff. 4/14/00; AMD, 2002 MAR p. 3149, Eff. 11/15/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2180, Eff. 8/15/08.)

- 24.159.1011 PROHIBITED INTRAVENOUS (IV) THERAPIES (1) The practical nurse may not perform any of the following IV therapy procedures:
- (a) initiate blood, blood components, and plasma volume expanders;
 - (b) mix unit dose IV medication solutions;
 - (c) access or program an implanted IV infusion pump;
 - (d) insert or remove any IV access device placed for central or midline administration;
 - (e) manage central venous access devices for hemodynamic monitoring;
 - (f) perform repair of central or midline venous access devices; or
 - (g) perform arterial sticks, blood draws, or inline flushes.
- (2) The practical nurse may not administer the following IV medications or IV fluids:
- (a) oxytocics;
 - (b) neonatal and pediatric medications;
 - (c) antineoplastic and chemotherapy drugs;
 - (d) investigational and experimental drugs;
 - (e) colloid therapy;
 - (f) hyperosmolar solutions not appropriate for peripheral venous infusion;
 - (g) thrombolytic or fibrinolytic agents;
 - (h) tissue plasminogen activators, or immunoglobulins;
 - (i) medications for purposes of procedural sedation, moderate sedation, or anesthesia;
 - (j) medications requiring titration;
 - (k) medications or fluids via an epidural, intrathecal, intraosseous, umbilical route, or ventricular reservoir; or
 - (l) medications or fluids via an arteriovenous fistula or graft, except for dialysis per ARM 24.159.1010. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1997 MAR p. 1176, Eff. 4/8/97; AMD, 1999 MAR p. 2437, Eff. 10/22/99; AMD, 2000 MAR p. 954, Eff. 4/14/00; AMD, 2002 MAR p. 3149, Eff. 11/15/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 1709, Eff. 8/15/08.)

Rules 24.159.1012 through 24.159.1020 reserved

24.159.1021 TEMPORARY PRACTICE PERMIT (1) Graduates of approved practical United States nursing education programs may be granted a temporary permit to practice practical nursing provided that:

(a) application for Montana licensure, supporting credentials, and fee have been submitted and approved by the board; and

(b) the graduate has also applied for and been accepted for a licensing examination scheduled no later than 90 days following graduation.

(2) The temporary permit issued to a graduate who does not pass the exam referred to in (1)(b) becomes null, void, and invalid three days after the board mails notification to the graduate of the exam result. Mailing is completed when notification is deposited in the U.S. mail. The graduate shall immediately return the temporary permit to the board office upon receipt of the notice that the graduate failed the exam referred to in (1)(b). Failure to do so is grounds for denial of a subsequent license application from the graduate and such other remedies as are provided by law.

(3) The temporary permit issued to a graduate who passes the exam referred to in (1)(b) remains valid until the license is granted or until two weeks after the board mails notification to the graduate of the exam result, whichever occurs first. Mailing is completed when notification is deposited in the U.S. mail.

(4) An applicant for licensure by endorsement in Montana may be granted a temporary permit to practice practical nursing provided the applicant has submitted a completed application as described in ARM 24.159.1028 and that the initial screening by board staff shows no current discipline as identified in ARM 24.159.1028 in the last two years. The temporary permit will remain valid until a license is granted or until notice of proposal to deny license is served, whichever occurs first. In the event that neither contingency has occurred within 90 days of issuance of the temporary permit to the endorsement applicant, the temporary permit shall expire on the 90th day following its issuance unless an extension is granted by the board.

(5) Any practical nurse who is employed under a temporary practice permit shall function only under the supervision of a registered nurse, physician, dentist, osteopath, or podiatrist, who is on the premises where and when the permittee is working and is specifically assigned the responsibility of supervising the performance of the temporary practice permittee. (History: 37-8-202, MCA; IMP, 37-1-305, 37-8-103, MCA; Eff. 12/31/72; AMD, 1981 MAR p. 143, Eff. 2/14/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1848, Eff. 10/14/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2000 MAR p. 2681, Eff. 10/6/00; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1022 GENERAL REQUIREMENTS FOR LICENSURE (1) The requirements for licensure of practical nurses in Montana include the provision that the applicant has written a state board test pool examination or national council licensing examination (NCLEX) in a state of the United States. (History: 37-8-202, MCA; IMP, 37-8-406, 37-8-416, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 2000 MAR p. 2681, Eff. 10/6/00; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1023 GROUNDS FOR DENIAL OF A LICENSE (1) A license may be denied for:

- (a) failure to meet requirements or standards established by law or by rules adopted by the board;
- (b) failure to pass the licensing examination;
- (c) fraud or misrepresentation in association with the examination application, licensure application, or licensure examination;
- (d) conduct which would be grounds for discipline under 37-1-316, MCA; or
- (e) conviction of a felony except as provided in 37-1-203, MCA. (History: 37-1-136, 37-8-202, MCA; IMP, 37-1-136, 37-1-137, 37-1-316, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1024 LICENSURE BY EXAMINATION REQUIREMENTS (1) The board shall administer the national council licensing examinations for practical nurse licensure by computerized adaptive testing (CAT). Each examination differs from any other administered examination.

(2) The executive director is authorized to negotiate the contract for licensing examination services.

(3) All candidates desiring to take the licensing examination for practical nursing shall make application for licensure to the board on a form provided by the board and shall make application for the examination to the national council licensing examinations on a form distributed by the board as provided by the National Council of State Boards of Nursing.

(4) The application for licensure by examination and the examination fee shall be submitted to the board office. The application will be kept on file for one year. If the applicant fails to complete the requirements for application within one year, a new application will be required.

(5) Applicants shall have completed all educational requirements of the program and all credentials shall be received in the board office prior to being made eligible to test.

(6) A passing score on the appropriate NCLEX examination shall be required for licensure as a practical nurse. The National Council of State Boards of Nursing's panel of content experts determines the passing score.

(7) The examination score will be reported to the applicant as pass or fail.

(8) Candidates shall be notified, in writing only, regarding the examination results.

(9) Candidates who pass shall receive a license to practice as a practical nurse.

(10) Candidates who fail shall receive the results of the examination and are not eligible to retest for 45 days.

(11) Each school of nursing in Montana shall receive quarterly statistical summary reports of its NCLEX results as well as state and national NCLEX results.

(12) Individual results of the examination shall not be released to anyone unless release is authorized by the candidate in writing.

(13) The candidate's examination results will be maintained in the application file with the department. (History: 37-8-202, MCA; IMP, 37-1-131, 37-8-406, 37-8-416, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; AMD, 1981 MAR p. 143, Eff. 2/14/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1988 MAR p. 2720, Eff. 12/23/88; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2005 MAR p. 1686, Eff. 9/9/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1025 PRACTICAL NURSE REEXAMINATION (1) Candidates who do not pass the licensing examination will be permitted to retake the examination one time after 45 days from the first examination.

(2) If a candidate does not pass the retake, the candidate will be required to present a plan of study to the board before becoming eligible to take the examination again.

(3) A candidate may take the test a maximum of five times in three years.

(a) The individual will be required to complete a school of nursing program before being able to test a sixth time. (History: 37-1-131, 37-8-202, 37-8-406, MCA; IMP, 37-8-202, 37-8-416, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; AMD, 1980 MAR p. 2970, Eff. 11/29/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1985 MAR p. 108, Eff. 2/1/85; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2000 MAR p. 2681, Eff. 10/6/00; AMD, 2005 MAR p. 1686, Eff. 9/9/05; AMD, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.1026 and 24.159.1027 reserved

24.159.1028 LICENSURE BY ENDORSEMENT REQUIREMENTS (1) An applicant for licensure by endorsement in this state shall submit to the board:

- (a) a completed application including the following identifiers:
 - (i) a picture, social security number, birthdate, and documentation of name change;
 - (ii) the application will be kept on file for one year. If the applicant fails to complete the application requirements for licensure by endorsement within one year, a new application will be required;
 - (b) evidence of meeting the standards for nursing education in this state at the time of original licensure;
 - (c) verification of initial licensure by examination with evidence of completion of a board approved program;
 - (d) verification and documentation of licensure status from all jurisdictions of licensure for preceding two years;
 - (e) practical nurse applicants shall present evidence of having passed a licensure examination as follows:
 - (i) a passing score on a state-constructed licensure examination prior to the use of the state board test pool examination in the original state of licensure; or
 - (ii) a passing score on a NCLEX-PN examination taken after September 1988; or
 - (iii) a minimum scaled score of 350 on a NCLEX-PN examination taken prior to September 1988;
 - (f) the required fees for licensure by endorsement as specified in ARM 24.159.401; and
 - (g) if the applicant's education was obtained in a foreign country, the applicant must also meet the conditions of ARM 24.159.1029.
- (2) The board may, on a case-by-case basis, issue a license to an applicant for licensure by endorsement whose license is under investigation or in disciplinary action of a board in another jurisdiction or to an applicant who is under investigation for a felony criminal offense.
- (3) An applicant for licensure by endorsement in Montana may be granted a temporary permit to practice practical nursing pursuant to the provisions of ARM 24.159.1021.
- (4) The board shall issue a license based on satisfactory completion of the requirements. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-304, MCA; NEW, Eff. 6/4/77; AMD, 1978 MAR p. 392, Eff. 3/25/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2004 MAR p. 2393, Eff. 10/8/04; AMD, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1029 FOREIGN EDUCATED APPLICANTS FOR PRACTICAL NURSE LICENSURE REQUIREMENTS (1) For purposes of this rule, "foreign educated" applicants are those individuals whose nursing education credential was conferred by an educational institution located outside the United States or its jurisdictions. The term includes, but is not limited to, applicants or candidates who studied nursing in the United States through either a distance learning program offered by or through a foreign educational institution or whose nursing education involved a collaboration between a foreign educational institution and an educational institution in the United States, so long as the credential was conferred by the foreign educational institution.

(2) Foreign educated applicants for practical nurse licensure by examination must:

(a) fulfill the requirements of ARM 24.159.1024;
(b) pass the Montana licensing examination (i.e., NCLEX);
(c) provide a CGFNS credentials evaluation service (CES) report based on the CGFNS's healthcare profession and science course-by-course evaluation, verifying the applicant's nursing education credentials and comparing the applicant's nursing education with the U.S. nursing education standards. The board may deny licensure to a foreign educated applicant if denial is deemed by the board to be warranted by the CES report; and

(d) successfully complete an English proficiency examination recognized by CGFNS, except as provided in (4).

(3) Foreign educated applicants for practical nurse licensure by endorsement from another state of the United States must:

(a) fulfill the requirements of ARM 24.159.1028;
(b) provide verification of licensure in good standing in the other state;
(c) provide a CGFNS CES report based on the CGFNS's healthcare profession and science course-by-course evaluation, verifying the applicant's nursing education credentials and comparing the applicant's nursing education with the U.S. nursing education standards. The board may deny licensure to a foreign educated applicant if denial is warranted by the CES report; and

(d) successfully complete an English proficiency examination recognized by CGFNS, except as provided in (4).

(4) The provisions of (2)(d) and (3)(d) do not apply if the foreign educated applicant graduated from a nursing program at a college, university, or professional nurses' training school in one of the following countries:

(a) Australia;
(b) Canada (except Quebec);
(c) Ireland;
(d) New Zealand;
(e) Tobago;
(f) Trinidad; or
(g) United Kingdom. (History: 37-1-131, 37-8-202, MCA; IMP, 37-8-101, 37-8-405, 37-8-415, MCA; NEW, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.1030 through 24.159.1035 reserved

NEXT PAGE IS 24-16577

24.159.1036 PREPARATION OF LICENSES (1) The president and the secretary of the board shall sign the original licenses. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-101, 37-8-202, 37-8-401, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2003 MAR p. 2861, Eff. 12/25/03; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.1037 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414. The licensee must fill out the renewal application and return it to the board by the date set by ARM 24.101.413, together with the renewal fee. Upon receiving the renewal application and fee, the board shall issue a certificate of renewal for the two-year period following the renewal date set by ARM 24.101.413. If the renewal application is postmarked after the renewal deadline, it is subject to the late penalty fee specified in ARM 24.101.403.

(2) The provisions of ARM 24.101.408 apply. (History: 37-1-131, 37-1-141, 37-8-202, MCA; IMP, 37-1-134, 37-1-141, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1987 MAR p. 1620, Eff. 9/25/87; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2000 MAR p. 2681, Eff. 10/6/00; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2002 MAR p. 2315, Eff. 8/30/02; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1038 INACTIVE STATUS (1) A practical nurse who wishes to retain a license but who will not be practicing nursing may obtain an inactive status license upon submission of an application and payment of the appropriate fee. An individual licensed on inactive status may not practice nursing during the period in which the licensee remains on inactive status.

(2) An individual may not remain licensed on inactive status for longer than two years without reestablishing qualifications for licensure, including, but not limited to, passage of the licensing examination.

(3) A licensee on inactive status may convert an inactive status license to active status by submission of an appropriate application and payment of the renewal fee for the current renewal period. (History: 37-1-131, 37-1-319, 37-8-202, MCA; IMP, 37-1-131, 37-1-319, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rule 24.159.1039 reserved

24.159.1040 DUPLICATE OR LOST LICENSES (1) An original license will not be changed or replaced.

(2) The current renewal certificate issued by the board which carries the license number satisfies as proof of licensure. In the few cases where this does not suffice, the board will provide a statement of licensure.

(3) Upon written request, and payment of the proper fee as specified in ARM 24.101.403, the board may provide a duplicate renewal certificate. (History: 37-8-202, MCA; IMP, 37-1-134, 37-8-202, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.1041 VERIFICATION OF LICENSURE (1) Licensees requesting verification and documentation of Montana licensure status to another United States board of nursing jurisdiction or foreign country shall submit a completed request with the appropriate fee to www.nursys.com or NCSBN, 35331 Eagle Way, Chicago, IL 60678-1353.

(2) Licensees requesting paper verifications shall submit a completed request to the board office. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-304, 37-8-202, MCA; NEW, 1987 MAR p. 1620, Eff. 9/25/87; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2003 MAR p. 2863, Eff. 12/25/03; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.1042 through 24.159.1045 reserved

24.159.1046 SUPERVISION OF PROBATIONARY LICENSEES (1) Any practical nurse working pursuant to a probationary license must work under the direct supervision of another nurse or physician. The supervisor for a PN on probation must be an RN, APRN, or physician with a current, unencumbered license. (History: 37-1-136, 37-1-319, 37-8-202, MCA; IMP, 37-1-136, 37-1-319, 37-8-202, MCA; NEW, 2002 MAR p. 3399, Eff. 12/13/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.1047 through 24.159.1051 reserved

24.159.1052 LICENSEE PROBATION OR REPRIMAND OF A LICENSEE

(1) A licensee may be placed on probation or reprimanded based on grounds specified in 37-1-316, MCA, or ARM 24.159.2301. (History: 37-1-136, 37-8-202, MCA; IMP, 37-1-136, 37-1-137, 37-1-316, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1053 LICENSE REAPPLICATION CONSIDERATIONS AFTER DENIAL, REVOCATION, OR SUSPENSION

(1) Reapplication for a license previously denied, revoked, or suspended must include evidence of rehabilitation, or elimination or cure of the conditions for denial, revocation, or suspension.

(2) Evaluation of reapplication for a license denied will be based upon, but not limited to:

(a) the severity of the act or omission which resulted in the denial of license; and/or

(b) the conduct of the applicant subsequent to the denial of license; and/or

(c) the lapse of time since denial of license; and/or

(d) compliance with any condition the board may have stipulated as a prerequisite for reapplication; and/or

(e) the degree of rehabilitation attained by the applicant as evidenced by statements sent directly to the board from qualified people who have professional knowledge of the applicant; and/or

(f) personal interview by the board, at their discretion. (History: 37-8-202, MCA; IMP, 37-1-136, 37-8-202, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Subchapter 11 reserved

Subchapter 12

Registered Nurses

Rules 24.159.1201 and 24.159.1202 reserved

24.159.1203 PURPOSE OF STANDARDS OF NURSING PRACTICE FOR THE REGISTERED NURSE (1) The purpose of the standards is to:

(a) establish minimal acceptable levels of safe and effective practice for the registered nurse; and

(b) serve as a guide for the board to evaluate safe and effective nursing care.

(History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1985 MAR p. 1556, Eff. 10/18/85; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1204 STANDARDS RELATED TO THE REGISTERED NURSE'S RESPONSIBILITY TO APPLY THE NURSING PROCESS (1) The registered nurse shall conduct and document nursing assessments of the health status of individuals and groups by:

(a) collecting objective and subjective data from observations, examinations, interviews, and written records in an accurate and timely manner. The data includes, but is not limited to:

- (i) biophysical, emotional, and mental status;
- (ii) growth and development;
- (iii) cultural, spiritual, and socio-economic background;
- (iv) family health history;
- (v) information collected by other health team members;
- (vi) client knowledge and perception about health status and potential, or maintaining health status;
- (vii) ability to perform activities of daily living;
- (viii) patterns of coping and interacting;
- (ix) consideration of client's health goals;
- (x) environmental factors (e.g., physical, social, emotional, and ecological);

and

- (xi) available and accessible human and material resources;
- (b) sorting, selecting, reporting, and recording the data;
- (c) validating, refining, and modifying the data by utilizing available resources, including interactions with the client, family, significant others, and health team members.

(2) The registered nurse shall establish and document nursing analysis which serves as the basis for the strategy of care.

(3) The registered nurse shall develop the strategy of care based upon data gathered in the assessment and conclusions drawn in the nursing analysis. This includes:

- (a) identifying priorities in the strategy of care;
- (b) collaboration with the client to set realistic and measurable goals to implement the strategy of care;
- (c) prescribing nursing intervention(s) based on the nursing analysis; and
- (d) identifying measures to maintain comfort, to support human functions and positive responses, and to maintain an environment conducive to teaching to include appropriate usage of health care facilities.

- (4) The registered nurse shall implement the strategy of care by:
- (a) initiating nursing interventions through:
 - (i) giving direct care;
 - (ii) assisting with care;
 - (iii) assigning and delegating care; and
 - (iv) collaborating and/or referring when appropriate;
 - (b) providing an environment conducive to safety and health;
 - (c) documenting nursing interventions and responses to care to other members of the health team; and
 - (d) communicating nursing interventions and responses to care to other members of the health team.
- (5) The registered nurse shall evaluate the responses of individuals or groups to nursing interventions. Evaluation shall involve the client, family, significant others, and health team members.
- (a) Evaluation data shall be documented and communicated to appropriate members of the health team.
 - (b) Evaluation data shall be used as a basis for reassessing client health status, modifying nursing analysis, revising strategies of care, and prescribing changes in nursing interventions.
 - (c) Research data shall be utilized in nursing practice. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1997 MAR p. 626, Eff. 4/8/97; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1205 STANDARDS RELATED TO THE REGISTERED NURSE'S RESPONSIBILITIES AS A MEMBER OF THE NURSING PROFESSION

- (1) The registered nurse shall:
- (a) have knowledge of the statutes and rules governing nursing and function within the legal boundaries of nursing practice;
 - (b) accept responsibility for individual nursing actions and competence and base practice on validated data;
 - (c) obtain instruction and supervision as necessary when implementing nursing techniques or practices;
 - (d) function as a member of the health team;
 - (e) collaborate with other members of the health team to provide optimum client care;
 - (f) consult with nurses and other health team members and make referrals as necessary;
 - (g) contribute to the formulation, interpretation, implementation, and evaluation of the objectives and policies related to nursing practice within the employment setting;
 - (h) participate in the evaluation of nursing through peer review;
 - (i) report unsafe nursing practice to immediate supervisor and the board, and unsafe practice conditions to any and all recognized federal, state, county, municipal, or private bodies organized with powers to regulate and enforce nursing practice conditions;
 - (j) report practice of nursing by unlicensed individuals to the board;
 - (k) delegate to another only those nursing measures which that person is prepared or qualified to perform;
 - (l) supervise others to whom nursing interventions are delegated;
 - (m) retain professional accountability for nursing care when delegating nursing interventions;
 - (n) conduct practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin, or handicap;
 - (o) respect the dignity and rights of clients regardless of social or economic status, personal attributes, or nature of health problems;
 - (p) respect the client's right to privacy by protecting confidential information unless obligated by law to disclose the information; and
 - (q) respect the property of clients, family, significant others, and the employer. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 2000 MAR p. 2683, Eff. 10/6/00; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1206 STANDARDS RELATED TO THE REGISTERED NURSE'S ROLE IN COSMETIC PROCEDURES (1) A licensed registered nurse who has the proper training and on-going competency may perform the following tasks and procedures only under the on-site supervision of a physician:

- (a) procedures using lasers;
- (b) procedures using intense pulsed light sources;
- (c) procedures using microwave energy;
- (d) procedures using radio frequency;
- (e) procedures using electrical impulse;
- (f) dermatologic procedures employing technologies that cut or alter living tissue; and
- (g) injections or insertions of the following:
 - (i) botulism toxins, commonly referred to as "botox";
 - (ii) natural and synthetic collagens;
 - (iii) silicone;
 - (iv) sclerotherapy agents; or
 - (v) natural or synthetic filler materials. (History: 37-8-202, MCA; IMP, 37-8-102, MCA; NEW, 2004 MAR p. 641, Eff. 3/26/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.1207 through 24.159.1220 reserved

24.159.1221 TEMPORARY PRACTICE PERMIT (1) Graduates of approved professional United States nursing education programs may be granted a temporary permit to practice registered nursing provided that:

(a) application for Montana licensure, supporting credentials, and fee have been submitted and approved by the board; and

(b) the graduate has also applied for and been accepted for a licensing examination scheduled no later than 90 days following graduation.

(2) The temporary permit issued to a graduate who does not pass the exam referred to in (1)(b) becomes null, void, and invalid three days after the board mails notification to the graduate of the exam result. Mailing is completed when notification is deposited in the U.S. mail. The graduate shall immediately return the temporary permit to the board office upon receipt of the notice that the graduate failed the exam referred to in (1)(b). Failure to do so is grounds for denial of a subsequent license application from the graduate and such other remedies as are provided by law.

(3) The temporary permit issued to a graduate who passes the exam referred to in (1)(b) remains valid until the license is granted or until two weeks after the board mails notification to the graduate of the exam result, whichever occurs first. Mailing is completed when notification is deposited in the U.S. mail.

(4) An applicant for licensure by endorsement in Montana may be granted a temporary permit to practice registered nursing provided the applicant has submitted a completed application as described in ARM 24.159.1228 and that the initial screening by board staff shows no current discipline as identified in ARM 24.159.1228 in the last two years. The temporary permit will remain valid until a license is granted or until notice of proposal to deny license is served, whichever occurs first. In the event that neither contingency has occurred within 90 days of issuance of the temporary permit to the endorsement applicant, the temporary permit shall expire on the 90th day following its issuance unless an extension is granted by the board.

(5) Any registered nurse who is employed under a temporary practice permit shall function only under the supervision of a registered nurse, physician, dentist, osteopath, or podiatrist, who is on the premises where and when the permittee is working and is specifically assigned the responsibility of supervising the performance of the temporary practice permittee. (History: 37-8-202, MCA; IMP, 37-1-305, 37-8-103, MCA; Eff. 12/31/72; AMD, 1981 MAR p. 143, Eff. 2/14/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1848, Eff. 10/14/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2000 MAR p. 2681, Eff. 10/6/00; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1222 GENERAL REQUIREMENTS FOR LICENSURE (1) The requirements for licensure of registered nurses in Montana include the provision that the applicant has written a state board test pool examination or national council licensing examination (NCLEX) in a state of the United States. (History: 37-8-202, MCA; IMP, 37-8-406, 37-8-416, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 2000 MAR p. 2681, Eff. 10/6/00; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1223 GROUNDS FOR DENIAL OF A LICENSE (1) A license may be denied for:

- (a) failure to meet requirements or standards established by law or by rules adopted by the board;
- (b) failure to pass the licensing examination;
- (c) fraud or misrepresentation in association with the examination application, licensure application, or licensure examination;
- (d) conduct which would be grounds for discipline under 37-1-316, MCA; or
- (e) conviction of a felony except as provided in 37-1-203, MCA. (History: 37-1-136, 37-8-202, MCA; IMP, 37-1-136, 37-1-137, 37-1-316, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1224 LICENSURE BY EXAMINATION REQUIREMENTS (1) The board shall administer the national council licensing examinations for registered nurse licensure by computerized adaptive testing (CAT). Each examination differs from any other administered examination.

(2) The executive director is authorized to negotiate the contract for licensing examination services.

(3) All candidates desiring to take the licensing examination for registered nursing shall make application for licensure to the board on a form provided by the board and shall make application for the examination to the national council licensing examinations on a form distributed by the board as provided by the National Council of State Boards of Nursing.

(4) The application for licensure by examination and the examination fee shall be submitted to the board office. The application will be kept on file for one year. If the applicant fails to complete the requirements for application within one year, a new application will be required.

(5) Applicants shall have completed all educational requirements of the program and all credentials shall be received in the board office prior to being made eligible to test.

(6) A passing score on the appropriate NCLEX examination shall be required for licensure as a registered nurse. The National Council of State Boards of Nursing's panel of content experts determines the passing score.

(7) The examination score will be reported to the applicant as pass or fail.

(8) Candidates shall be notified, in writing only, regarding the examination results.

(9) Candidates who pass shall receive a license to practice as a registered nurse.

(10) Candidates who fail shall receive the results of the examination and are not eligible to retest for 45 days.

(11) Each school of nursing in Montana shall receive quarterly statistical summary reports of its NCLEX results as well as state and national NCLEX results.

(12) Individual results of the examination shall not be released to anyone unless release is authorized by the candidate in writing.

(13) The candidate's examination results will be maintained in the application file with the department. (History: 37-8-202, MCA; IMP, 37-1-131, 37-8-406, 37-8-416, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; AMD, 1981 MAR p. 143, Eff. 2/14/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1988 MAR p. 2720, Eff. 12/23/88; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2005 MAR p. 1686, Eff. 9/9/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1225 REGISTERED NURSE REEXAMINATION (1) Candidates who do not pass the licensing examination will be permitted to retake the examination one time after 45 days from the first examination.

(2) If a candidate does not pass the retake, the candidate will be required to present a plan of study to the board before becoming eligible to take the examination again.

(3) A candidate may take the test a maximum of five times in three years.

(a) The individual will be required to complete a school of nursing program before being able to test a sixth time. (History: 37-1-131, 37-8-202, 37-8-406, MCA; IMP, 37-8-202, 37-8-406, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; AMD, 1980 MAR p. 2970, Eff. 11/29/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 108, Eff. 2/1/85; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2000 MAR p. 2681, Eff. 10/6/00; AMD, 2005 MAR p. 1686, Eff. 9/9/05; AMD, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.1226 and 24.159.1227 reserved

- 24.159.1228 LICENSURE BY ENDORSEMENT REQUIREMENTS (1) An applicant for licensure by endorsement in this state shall submit to the board:
- (a) a completed application including the following identifiers:
 - (i) a picture, social security number, birthdate, and documentation of name change;
 - (ii) the application will be kept on file for one year. If the applicant fails to complete the application requirements for licensure by endorsement within one year, a new application will be required;
 - (b) evidence of meeting the standards for nursing education in this state at the time of original licensure;
 - (c) verification of initial licensure by examination with evidence of completion of a board approved program;
 - (d) verification and documentation of licensure status from all jurisdictions of licensure for preceding two years;
 - (e) registered nurse applicants shall present evidence of having passed a licensure examination as follows:
 - (i) a passing score on a state-constructed licensure examination prior to the use of the state board test pool examination in the original state of licensure; or
 - (ii) 350 on each part of the state board test pool examination for registered nurses; or
 - (iii) a passing score on a NCLEX-RN examination taken after September 1988; or
 - (iv) a minimum scaled score of 1600 on a NCLEX-RN examination taken prior to September 1988;
 - (f) the required fees for licensure by endorsement as specified in ARM 24.159.401; and
 - (g) if the applicant's education was obtained in a foreign country, the applicant must also meet the conditions of ARM 24.159.1229.
- (2) The board may, on a case-by-case basis, issue a license to an applicant for licensure by endorsement whose license is under investigation or in disciplinary action of a board in another jurisdiction or to an applicant who is under investigation for a felony criminal offense.
- (3) An applicant for licensure by endorsement in Montana may be granted a temporary permit to practice registered nursing pursuant to the provisions of ARM 24.159.1221.
- (4) The board shall issue a license based on satisfactory completion of the requirements. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-304, MCA; NEW, Eff. 6/4/77; AMD, 1978 MAR p. 392, Eff. 3/25/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2004 MAR p. 2393, Eff. 10/8/04; AMD, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1229 FOREIGN EDUCATED APPLICANTS FOR REGISTERED NURSE LICENSURE REQUIREMENTS

(1) For purposes of this rule, "foreign educated" applicants are those individuals whose nursing education credential was conferred by an educational institution located outside the United States or its jurisdictions. The term includes but is not limited to applicants who studied nursing in the United States through either a distance learning program offered by or through a foreign educational institution or whose nursing education involved a collaboration between a foreign educational institution and an educational institution in the United States, so long as the credential was conferred by the foreign educational institution.

(2) Foreign educated applicants for registered nurse licensure by examination must:

- (a) fulfill the requirements of ARM 24.159.1224;
- (b) pass the Montana licensing examination (i.e., NCLEX); and
- (c) be certified by the Commission on Graduates of Foreign Nursing Schools (CGFNS) as having successfully completed its certification program (CP) consisting of:

(i) an English language proficiency examination, except as provided under (4);

(ii) the CGFNS qualifying examination (also referred to as NCLEX predictor exam or screening exam); and

(iii) a credentials review verifying the applicant's nursing education credentials and comparing the applicant's foreign nursing education with the U.S. nursing education standards. The board may deny licensure to a foreign educated applicant if denial is deemed by the board to be warranted by the CGFNS credentials evaluation service (CES) report.

(3) Foreign educated applicants for registered nurse licensure by endorsement from another state of the United States must:

- (a) fulfill the requirements of ARM 24.159.1228;
- (b) have passed the NCLEX or state board test pool exam in the other state;
- (c) provide verification of licensure in good standing in the other state;
- (d) complete the CGFNS CES healthcare profession and science course-by-course evaluation verifying the applicant's nursing education credentials and comparing the applicant's foreign nursing education with the U.S. nursing education standards. The board may deny licensure to a foreign educated applicant if denial is warranted by the CES report; and

(e) successfully complete an English proficiency examination recognized by CGFNS.

(4) The provisions of (2)(c)(i) and (3)(e) do not apply if the foreign educated applicant graduated from a nursing program at a college, university, or professional nurses' training school in one of the following countries:

- (a) Australia;
- (b) Canada (except Quebec);
- (c) Ireland;
- (d) New Zealand;
- (e) Tobago;
- (f) Trinidad; or
- (g) United Kingdom. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-101, 37-8-405, 37-8-415, MCA; NEW, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR. p. 2346, Eff. 11/7/08.)

Rules 24.159.1230 through 24.159.1235 reserved

24.159.1236 PREPARATION OF LICENSES (1) The president and the secretary of the board shall sign the original licenses. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-101, 37-8-202, 37-8-401, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2003 MAR p. 2861, Eff. 12/25/03; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.1237 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414. The licensee must fill out the renewal application and return it to the board by the date set by ARM 24.101.413, together with the renewal fee. Upon receiving the renewal application and fee, the board shall issue a certificate of renewal for the two-year period following the renewal date set by ARM 24.101.413. If the renewal application is postmarked after the renewal deadline, it is subject to the late penalty fee specified in ARM 24.101.403.

(2) The provisions of ARM 24.101.408 apply. (History: 37-1-131, 37-1-141, 37-8-202, MCA; IMP, 37-1-134, 37-1-141, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1987 MAR p. 1620, Eff. 9/25/87; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2000 MAR p. 2681, Eff. 10/6/00; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2002 MAR p. 2315, Eff. 8/30/02; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1238 INACTIVE STATUS (1) A licensed registered nurse who wishes to retain a license but who will not be practicing nursing may obtain an inactive status license upon submission of an application and payment of the appropriate fee. An individual licensed on inactive status may not practice nursing during the period in which the licensee remains on inactive status.

(2) An individual may not remain licensed on inactive status for longer than two years without reestablishing qualifications for licensure, including but not limited to, passage of the licensing examination.

(3) A licensee on inactive status may convert an inactive status license to active status by submission of an appropriate application and payment of the renewal fee for the current renewal period. (History: 37-1-131, 37-1-319, 37-8-202, MCA; IMP, 37-1-131, 37-1-319, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rule 24.159.1239 reserved

24.159.1240 DUPLICATE OR LOST LICENSES (1) An original license will not be changed or replaced.

(2) The current renewal certificate issued by the board which carries the license number satisfies as proof of licensure. In the few cases where this does not suffice, the board will provide a statement of licensure.

(3) Upon written request, and payment of the proper fee as specified in ARM 24.101.403, the board may provide a duplicate renewal certificate. (History: 37-8-202, MCA; IMP, 37-1-134, 37-8-202, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.1241 VERIFICATION OF LICENSURE (1) Licensees requesting verification and documentation of Montana licensure status to another United States board of nursing jurisdiction or foreign country shall submit a completed request with the appropriate fee to www.nursys.com or NCSBN, 35331 Eagle Way, Chicago, IL 60678-1353.

(2) Licensees requesting paper verifications shall submit a completed request to the board office. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-304, 37-8-202, MCA; NEW, 1987 MAR p. 1620, Eff. 9/25/87; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2003 MAR p. 2863, Eff. 12/25/03; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.1242 through 24.159.1245 reserved

24.159.1246 SUPERVISION OF PROBATIONARY LICENSEES (1) Any registered nurse working pursuant to a probationary license must work under the direct supervision of another nurse or physician. The supervisor for an RN on probation must be an RN, APRN, or physician with a current, unencumbered license. (History: 37-1-136, 37-1-319, 37-8-202, MCA; IMP, 37-1-136, 37-1-319, 37-8-202, MCA; NEW, 2002 MAR p. 3399, Eff. 12/13/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.1247 through 24.159.1251 reserved

24.159.1252 LICENSEE PROBATION OR REPRIMAND OF A LICENSEE

(1) A licensee may be placed on probation or reprimanded based on grounds specified in 37-1-316, MCA, or ARM 24.159.2301. (History: 37-1-136, 37-8-202, MCA; IMP, 37-1-136, 37-1-137, 37-1-316, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1253 LICENSE REAPPLICATION CONSIDERATIONS AFTER DENIAL, REVOCATION, OR SUSPENSION

(1) Reapplication for a license previously denied, revoked, or suspended must include evidence of rehabilitation, or elimination or cure of the conditions for denial, revocation, or suspension.

(2) Evaluation of reapplication for a license denied will be based upon, but not limited to:

(a) the severity of the act or omission which resulted in the denial of license; and/or

(b) the conduct of the applicant subsequent to the denial of license; and/or

(c) the lapse of time since denial of license; and/or

(d) compliance with any condition the board may have stipulated as a prerequisite for reapplication; and/or

(e) the degree of rehabilitation attained by the applicant as evidenced by statements sent directly to the board from qualified people who have professional knowledge of the applicant; and/or

(f) personal interview by the board, at their discretion. (History: 37-8-202, MCA; IMP, 37-1-136, 37-8-202, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Subchapter 13 reserved

Subchapter 14

Advanced Practice Registered Nurses

24.159.1401 DEFINITIONS (REPEALED) (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 2518, Eff. 9/9/94; AMD, 2002 MAR p. 3399, Eff. 12/13/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; REP, 2008 MAR p. 2346, Eff. 11/7/08.)

Rule 24.159.1402 reserved

24.159.1403 PURPOSE OF STANDARDS OF PRACTICE FOR THE ADVANCED PRACTICE REGISTERED NURSE (1) The purpose of the standards is to:

(a) establish minimal acceptable levels of safe and effective practice for the APRN; and

(b) serve as a reference for the board to evaluate safe and effective advanced practice nursing care. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 2002 MAR p. 3399, Eff. 12/13/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1404 STANDARDS RELATED TO THE ADVANCED PRACTICE REGISTERED NURSE'S RESPONSIBILITY TO APPLY THE NURSING PROCESS

- (1) The APRN shall:
- (a) perform and document comprehensive assessments, as appropriate to the client or client group, by:
 - (i) collecting, synthesizing, and analyzing data, using nursing principles and nursing process at an advanced level; and
 - (ii) using evidence-based research data in clinical decision-making.
 - (b) establish and document an appropriate diagnosis, treatment plan, and strategy of care based on the individual assessment that addresses:
 - (i) client needs;
 - (ii) priorities of care;
 - (iii) the need for collaborations when appropriate;
 - (iv) method by which treatment will be evaluated; and
 - (v) plan of action for appropriate follow-up or referral to other health care providers.
 - (c) provide and document expert guidance and education when working with clients, families, populations, and other members of the health team; and
 - (d) document referrals when a client's health status and needs exceed the APRN's certification and competencies. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2002 MAR p. 3399, Eff. 12/13/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1405 STANDARDS RELATED TO THE ADVANCED PRACTICE REGISTERED NURSE'S RESPONSIBILITIES AS A MEMBER OF THE NURSING PROFESSION (1) The APRN shall:

- (a) adhere to the standards for the RN in ARM 24.159.1205;
- (b) abide by the current practice standards and guidelines established by a national professional organization for the APRN's specialty area of practice as identified by the APRN;
- (c) possess the knowledge, judgment, and skill to safely and competently perform an APRN function;
- (d) submit documentation to the board of the APRN's quality assurance plan, as set forth by ARM 24.159.1466; and
- (e) submit to the board verification of recertification by the national certifying body within 30 days of its expiration. (History: 37-1-131, 37-8-202, MCA; IMP, 37-8-409, 37-1-131, 37-8-202, MCA; NEW, 2002 MAR p. 3399, Eff. 12/13/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1406 through 24.159.1410 reserved

24.159.1411 TEMPORARY PERMITS FOR GRADUATE APRNS (1) To qualify for a temporary permit, the applicant must hold a Montana RN license and provide the board with documentation of acceptance for the first certifying examination following completion of an APRN program. A copy of the examination authorization sent to the applicant by the national certifying body serves as documentation of acceptance.

(2) If the graduate passes the certifying examination, the temporary permit remains valid until the board grants APRN licensure.

(3) If the graduate does not pass the certifying examination, privileges granted by the temporary practice permit are voided. The graduate shall notify the board of the examination results and return the temporary practice permit within five days of receipt of examination results. Failure to notify the board constitutes unprofessional conduct and may be a basis for proposed disciplinary action or license denial.

(4) If the graduate fails to take the scheduled examination, privileges granted by the temporary practice permit are voided and the graduate must notify the board and return the temporary practice permit to the board office immediately. Failure to notify the board within five days constitutes unprofessional conduct and may be a basis for disciplinary action or license denial.

(5) The graduate APRN working with a temporary APRN permit must have a consultant. The consultant must possess an unencumbered Montana license, except as provided by 37-1-103, and be either an APRN or a physician whose practice encompasses the scope of the graduate APRN's practice. The consultant must be available to the graduate APRN at all times. (History: 37-8-202, 37-8-409, MCA; IMP, 37-8-202, 37-8-409, MCA; NEW, 1996 MAR p. 419, Eff. 2/9/96; AMD, 2000 MAR p. 2681, Eff. 10/6/00; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1412 APPLICATION FOR INITIAL APRN LICENSURE (1) The applicant for APRN licensure must possess a current Montana RN license.

(2) The applicant must submit the APRN application form provided by the department and the nonrefundable fee.

(3) The applicant shall request that an official transcript be sent to the board directly from the applicant's APRN program.

(4) The applicant shall submit evidence of preceptorship (if not shown on transcript).

(5) The applicant shall submit a copy of current national certification in APRN specialty.

(6) The board shall keep the application on file for one year. If the applicant fails to complete the requirements for application within one year, a new application must be submitted.

(7) When the board approves a licensed RN's application for APRN licensure, the RN will be issued an APRN license in addition to the applicant's current RN license.

(8) Within one month of initiating APRN practice, the APRN must submit to the board a quality assurance plan, as outlined by ARM 24.159.1466. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-1-134, 37-8-202, 37-8-409, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1987 MAR p. 1620, Eff. 9/25/87; AMD, 1991 MAR p. 2435, Eff. 12/31/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1998 MAR p. 2164, Eff. 8/14/98; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2006 MAR p. 2035; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1413 ADVANCED PRACTICE NURSING TITLE (1) Only a licensed RN holding a current Montana APRN license has the right to use the title of APRN and the appropriate title of the specialties of nurse practitioner (NP), certified nurse midwife (CNM), certified registered nurse anesthetist (CRNA), or clinical nurse specialist (CNS).

(2) An APRN licensed in Montana may only practice in the specialized clinical area in which the APRN has current national certification. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1414 EDUCATIONAL REQUIREMENTS AND QUALIFICATIONS FOR APRN (1) Applicants seeking APRN licensure in the specialties of CNM, NP, CRNA, or CNS must possess the following educational and certification qualifications:

(a) for those licensed in 2008 or after, a master's degree or post-graduate certificate from an accredited APRN program that provided a minimum of 250 hours of didactic instruction and a minimum of 500 hours of preceptorship;

(b) for those licensed between 1995 and 2007, a master's degree from an accredited nursing education program, or a certificate from an accredited post master's program as defined in (1)(c), which prepares the RN for the APRN recognition sought; and, individual certification from a certifying body. APRNs who completed an accredited APRN program and obtained national certification prior to June 30, 1995, may be recognized in Montana; or

(c) for those licensed prior to 1995, a degree from a post-basic professional nursing education program in an APRN specialty with the minimum length of one academic year consisting of at least 250 hours of didactic instruction and 400 hours under a preceptor; and, individual certification from a certifying body.

(2) Applicants seeking APRN licensure as a psychiatric CNS must possess a master's degree in nursing from an accredited nursing education program that integrates pharmacology and clinical practice.

(3) Applicants seeking APRN licensure must pass the examination of and be certified by a national certifying body in the congruent area of specialization.

(4) Contact information for national certifying bodies may be obtained from the board office. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, 37-8-409, MCA; NEW, 1983 MAR p. 10, Eff. 1/14/83; AMD, 1985 MAR p. 108, Eff. 2/1/85; AMD, 1988 MAR p. 2720, Eff. 12/23/88; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1995 MAR p. 847, Eff. 5/12/95; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2005 MAR p. 742, Eff. 5/13/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1415 GENERAL REQUIREMENTS FOR LICENSURE (REPEALED) (History: 37-8-202, MCA; IMP, 37-8-406, 37-8-416, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 2000 MAR p. 2681, Eff. 10/6/00; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; REP, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1416 GROUNDS FOR DENIAL OF A LICENSE (1) The board may deny an application for APRN licensure for:

- (a) failure to meet requirements or standards established by law or by rules adopted by the board;
- (b) failure to possess an active Montana RN license;
- (c) fraud or misrepresentation in association with the licensure application or certifying examination; or
- (d) unprofessional conduct that would be grounds for discipline under 37-1-316, MCA. (History: 37-1-136, 37-8-202, MCA; IMP, 37-1-136, 37-1-137, 37-1-316, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1417 LICENSURE BY EXAMINATION REQUIREMENTS (REPEALED) (History: 37-8-202, MCA; IMP, 37-1-131, 37-8-406, 37-8-416, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; AMD, 1981 MAR p. 143, Eff. 2/14/81; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1988 MAR p. 2720, Eff. 12/23/88; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2005 MAR p. 1686, Eff. 9/9/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; REP, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1418 LICENSURE BY ENDORSEMENT (1) An applicant for APRN licensure by endorsement shall submit to the board:

- (a) completed applications for both RN and APRN licensure in Montana;
- (b) transcript from an advanced nursing education program, which must be sent to the board directly from the program and must indicate date of completion and degree conferred;
- (c) verification of APRN licensure status from all jurisdictions for preceding two years;
- (d) completed application for prescriptive authority, if applicable;
- (e) verification of prescriptive authority from all jurisdictions for preceding two years, if applicable;
- (f) proof of completion of a minimum of 10 contact hours of continuing education within the preceding two years that meets the requirements of ARM 24.159.1468;
- (g) the required fees for APRN licensure by endorsement and prescriptive authority, if applicable, as specified by ARM 24.159.401.

(2) The board may, on a case-by-case basis, issue a license to an applicant for APRN licensure by endorsement whose license is under investigation or in disciplinary action of a board in another jurisdiction or to an applicant who is under investigation for a felony criminal offense.

(3) An applicant for APRN licensure by endorsement in Montana may be granted a temporary APRN permit concurrent with a temporary permit to practice registered nursing, pursuant to ARM 24.159.1221. (History: 37-1-131, 37-8-202, 37-8-409, MCA; IMP, 37-1-131, 37-1-304, 37-8-409, MCA; NEW, Eff. 6/4/77; AMD, 1978 MAR p. 392, Eff. 3/25/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2004 MAR p. 2393, Eff. 10/8/04; AMD, 2005 MAR p. 1687, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1419 through 24.159.1423 reserved

24.159.1424 CONTINUING EDUCATION REQUIREMENTS (1) All Montana licensed APRNs must complete 40 contact hours of continuing education during each two-year license renewal period. The APRN who practices in a specialty setting must complete the majority of the required contact hours in the area of the individual's specialized certification.

(2) The board may prorate the requirement for continuing education contact hours upon the written request of an APRN who practices in Montana for a period of less than two years. (History: 37-1-131, 37-1-319, 37-8-202, MCA; IMP, 37-1-131, 37-1-141, 37-8-202, MCA; NEW, 2008 MAR p. 2346, Eff. 11/7/08.)

Rule 24.159.1425 reserved

24.159.1426 PREPARATION OF LICENSES (REPEALED) (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-101, 37-8-202, 37-8-401, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2003 MAR p. 2861, Eff. 12/25/03; TRANS, from Commerce, 2006 MAR p. 2035; REP, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1427 RENEWALS (1) APRN license renewal is concurrent with RN license renewal. Renewal notices will be sent as specified by ARM 24.101.414. The licensee shall submit the renewal application by the date set by ARM 24.101.413, together with the renewal fee. The renewal application includes affirmation that:

(a) all continuing education requirements have been met during the renewal period; and

(b) the quality assurance plan has been followed and peer review has occurred on a quarterly basis during the renewal period.

(2) If the APRN renewal application is submitted on-line or postmarked after the renewal deadline, the applicant is subject to the late penalty fee specified in ARM 24.101.403.

(3) The provisions of ARM 24.101.408 apply for APRN license renewal, lapse, termination, and expiration. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-1-134, 37-1-141, 37-8-202, MCA; Eff. 12/31/72; AMD, Eff. 6/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 287, Eff. 2/12/82; AMD, 1987 MAR p. 1620, Eff. 9/25/87; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2000 MAR p. 2681, Eff. 10/6/00; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2002 MAR p. 2315, Eff. 8/30/02; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1428 INACTIVE APRN STATUS (1) A licensed APRN who wishes to retain a license but who will not be practicing advanced nursing may obtain an inactive status APRN license upon submission of an application to the board and payment of the appropriate fee.

(2) An APRN on inactive status may not practice advanced nursing during the period in which the licensee remains on inactive status.

(3) An individual may not remain licensed on inactive APRN status for longer than two years without reestablishing qualifications for initial licensure.

(4) An APRN on inactive status may convert to active status by submitting:

(a) an appropriate application and payment of the renewal fee for the current renewal period;

(b) affirmation of 20 continuing education contact hours congruent with the APRN's specialty certification and obtained within 12 months prior to reactivation; and

(c) documentation of current certification from a national certifying body.

(5) To reactivate prescriptive authority, an APRN must affirm completion of ten continuing education contact hours in pharmacology and/or pharmacotherapeutics obtained within 12 months prior to reactivation. (History: 37-1-131, 37-1-319, 37-8-202, MCA; IMP, 37-1-131, 37-1-319, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rule 24.159.1429 reserved

24.159.1430 DUPLICATE OR LOST LICENSES (1) The board may replace a lost APRN license upon the written request of the licensee and submission of the fee specified in ARM 24.101.403. (History: 37-8-202, MCA; IMP, 37-1-134, 37-8-202, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2006 MAR p. 2035; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1431 VERIFICATION OF LICENSURE (1) The board directs licensees seeking verification and documentation of Montana licensure status for another United States board of nursing jurisdiction or foreign country to contact NCSBN, at 111 East Wacker Dr., Suite 2900, Chicago, IL, 60601-4277 or www.nursys.com.

(2) Licensees may request paper verification of licensure by submitting a written request and the required fee specified in ARM 24.101.403 to the board office. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1987 MAR p. 1620, Eff. 9/25/87; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2003 MAR p. 2863, Eff. 12/25/03; TRANS, from Commerce, 2006 MAR p. 2035; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1432 through 24.159.1435 reserved

24.159.1436 SUPERVISION OF PROBATIONARY LICENSEES (1) An APRN working pursuant to a probationary license must work under the direct supervision of another APRN or physician who has prior board approval and possesses a current, unencumbered license. (History: 37-1-131, 37-1-136, 37-8-202, MCA; IMP, 37-1-131, 37-1-136, 37-8-202, MCA; NEW, 2002 MAR p. 3399, Eff. 12/13/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1437 through 24.159.1441 reserved

24.159.1442 LICENSEE PROBATION OR REPRIMAND OF A LICENSEE (REPEALED) (History: 37-1-136, 37-8-202, MCA; IMP, 37-1-136, 37-1-137, 37-1-316, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2004 MAR p. 2393, Eff. 10/8/04; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; REP, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1443 LICENSE REAPPLICATION AFTER DENIAL, REVOCATION, OR SUSPENSION (1) Reapplication for licensure must include evidence of rehabilitation or cure of the conditions for denial, revocation, or suspension.

(2) The board places the burden upon the applicant for relicensure to demonstrate a sufficient degree of rehabilitation. Evidence of rehabilitation may include statements sent directly to the board from qualified persons who have professional knowledge of the applicant.

(3) The applicant shall submit proof of compliance with all conditions the board may have stipulated as a prerequisite for reapplication.

(4) The board may request a personal interview with the applicant.

(5) The decision to issue a license to an APRN whose license previously has been denied, suspended, or revoked rests with the board. (History: 37-1-136, 37-8-202, MCA; IMP, 37-1-136, 37-1-314, 37-8-202, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1985 MAR p. 1556, Eff. 10/18/85; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1444 through 24.159.1460 reserved

24.159.1461 PRESCRIPTIVE AUTHORITY FOR ELIGIBLE APRNS (1) An APRN granted prescriptive authority by the board may prescribe and dispense drugs pursuant to applicable state and federal laws. NPs, CRNAs, CNMs, and psychiatric CNSs with unencumbered licenses may hold prescriptive authority.

(2) Prescriptive authority permits the APRN to receive pharmaceutical samples and to prescribe, dispense, and administer prescription drugs in the prevention of illness, the restoration of health, and/or the maintenance of health in accordance with 37-2-104, MCA.

(3) The board notifies the Board of Pharmacy in a timely manner when the status of an APRN's prescriptive authority changes. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 2518, Eff. 9/9/94; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2003 MAR p. 2863, Eff. 12/25/03; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1462 ADVANCED PRACTICE NURSING COMMITTEE (1) The APRN committee of the board is composed of at least three board members, and includes at least one APRN.

(2) The committee or its designee reviews and approves all applications from individuals seeking advanced practice licensure and/or prescriptive authority.

(3) The committee or its designee may recommend action by the full board on nonroutine applications.

(4) The APRN committee or its designee perform random audits of continuing education requirements for APRNs during each two-year renewal period. Audits involve 10 percent of licensees in each APRN category of NP, CNM, CRNA, and CNS. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2001 MAR p. 2152, Eff. 10/26/01; AMD, 2002 MAR p. 2315, Eff. 8/30/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1463 INITIAL APPLICATION FOR PRESCRIPTIVE AUTHORITY

(1) The APRN shall submit a completed application for prescriptive authority and a nonrefundable fee as specified in ARM 24.159.401. The application for all APRNs except practicing CRNAs must include:

(a) evidence of successful completion of a graduate level course that provides a minimum of the equivalent of three academic semester credit hours (equaling a minimum of 45 contact hours) from an accredited program in pharmacology, pharmacotherapeutics, and the clinical management of drug therapy related to the applicant's area of specialty. The academic credits must be obtained within a three-year period immediately prior to the date the application is received at the board office and must meet the following requirements:

(i) no more than six of the 45 contact hours may concern the study of herbal or complementary therapies;

(ii) a minimum of 18 of the 45 contact hours must have been obtained within one year immediately prior to the date of application; and

(iii) a minimum of one-third of all contact hours must be face-to-face or interactive instruction.

(b) evidence of the course content and clinical preceptorship;

(c) a copy of the current certification from the APRN's national certifying body;

(d) a description of the proposed practice sites and typical caseload; and

(e) an updated quality assurance plan, if needed, as required by ARM

24.159.1466.

(2) Practicing CRNAs may qualify for prescriptive authority by meeting the continuing education requirements of ARM 24.159.1418.

(3) If an applicant fails to complete the requirements for application within one year of submission of an application, the applicant shall submit a new application and fee.

(4) The board may deny the application if the applicant has a license encumbered by disciplinary action. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 2518, Eff. 9/9/94; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2001 MAR p. 2152, Eff. 10/26/01; AMD, 2002 MAR p. 2315, Eff. 8/30/02; AMD, 2005 MAR p. 742, Eff. 5/13/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1464 PRESCRIBING PRACTICES (1) Prescriptions must comply with all applicable state and federal laws.

(2) All written prescriptions must include the following information:

(a) name, title, address, and phone number of the APRN who is prescribing;

(b) name of client;

(c) date of prescription;

(d) the full name of the drug, dosage, route, amount to be dispensed, and directions for its use;

(e) Drug Enforcement Administration (DEA) number of the prescriber on all scheduled drugs; and

(f) all requirements of state and federal regulations regarding prescriptions.

(3) Records of all prescriptions must be documented in client records.

(4) An APRN with prescriptive authority shall comply with federal DEA requirements for controlled substances and shall file DEA registrations and numbers with the board.

(5) An APRN with prescriptive authority may not prescribe controlled substances for self or members of the APRN's immediate family.

(6) In an emergency situation, Schedule II drugs may be phoned in to the pharmacist pursuant to 21 CFR 1306.11(d).

(7) An APRN with prescriptive authority may not delegate the prescribing or dispensing of drugs to any other person. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1993 MAR p. 1202, Eff. 6/11/93; AMD, 1994 MAR p. 2518, Eff. 9/9/94; AMD, 2002 MAR p. 3399, Eff. 12/13/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1465 SPECIAL LIMITATIONS RELATED TO THE PRESCRIBING OF CONTROLLED SUBSTANCES (REPEALED) (History: 37-1-131, 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 2518, Eff. 9/9/94; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2005 MAR p. 742, Eff. 5/13/05; TRANS, from Commerce, 2006 MAR p. 2035; REP, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1466 QUALITY ASSURANCE OF APRN PRACTICE (1) Within one month of initiating an APRN practice involving direct patient care the APRN shall submit a quality assurance plan to the board.

(2) A quality assurance plan includes the following elements:

(a) location of the APRN's practice site(s);

(b) identification of the APRN's peer-reviewer or peer review organization.

Peer review must occur on a quarterly basis and include review of 15 charts or 5 percent of all charts handled by the APRN, whichever is fewer. The peer-reviewer must work in the same practice specialty as the APRN and must hold an unencumbered license. If the APRN has prescriptive authority, the peer-reviewer must also have prescriptive authority;

(c) standards of practice set by the APRN's national professional organization, which the peer-reviewer will use to evaluate the APRN's practice;

(d) criteria for client referrals, patient outcomes, and chart documentation set by the APRN's national professional organization that the peer-reviewer will use to evaluate the APRN's practice; and

(e) description of the method the peer-reviewer will use to address areas in need of attention or improvement, if indicated, and to ensure follow-up evaluation.

(3) By December 31 of each license renewal year, the APRN shall submit a quality assurance report to the board on the form provided by the department. The biennial quality assurance report shall:

(a) provide verification that each quarterly peer review has occurred;

(b) provide verification that area(s) identified by the peer reviewer as needing attention and improvement have been appropriately addressed according to the APRN's stated plan; and

(c) inform the board of any change in the location of the APRN's practice site(s), the identity of the peer-reviewer, or the quality assurance criteria established by the national professional organization in the APRN's specialty area of practice.

(History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, 37-8-409, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 2518, Eff. 9/9/94; AMD, 1999 MAR p. 1294, Eff. 6/18/99; AMD, 2002 MAR p. 2315, Eff. 8/30/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1467 SUSPENSION OR REVOCATION OF PRESCRIPTIVE AUTHORITY (1) The board may suspend or revoke an APRN's prescriptive authority when one or more of the following occur:

(a) the APRN has not met the requirements for renewal of prescriptive authority set by ARM 24.159.1461 through 24.159.1464 and 24.159.1466 through 24.159.1468;

(b) the APRN has not met requirements necessary to maintain APRN licensure;

(c) the APRN has violated rules pertaining to prescriptive authority contained in this subchapter; or

(d) the APRN has violated state or federal law or regulations applicable to prescriptions.

(2) The APRN whose prescriptive authority has been suspended or revoked may not prescribe medications until the APRN has received written notice from the board that prescriptive authority has been reinstated. (History: 37-1-131, 37-1-136, 37-8-202, MCA; IMP, 37-1-131, 37-1-136, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 2716, Eff. 9/9/94; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

24.159.1468 PRESCRIPTIVE AUTHORITY RENEWAL (1) The term of an APRN's prescriptive authority is concurrent with licensure and ends every two years on the date set by ARM 24.101.413.

(2) To renew prescriptive authority, the APRN shall submit:

(a) a completed prescriptive authority renewal application and a nonrefundable fee;

(b) affirmation of a minimum of ten contact hours of accredited education in pharmacology, pharmacotherapeutics, and/or clinical management of drug therapy completed during the two years immediately preceding the effective date of the prescriptive authority renewal period. Contact hours for prescriptive authority renewal must:

(i) be provided by advanced academic education or educational programs approved by an accrediting organization;

(ii) include a minimum of four contact hours of face-to-face or interactive instruction; and

(iii) the majority of the contact hours must concern the study of pharmaceutical medications and not herbal or complementary therapies.

(3) The prescriptive authority contact hours are in addition to contact hours required to renew the general APRN license.

(4) When an APRN fails to renew prescriptive authority prior to the renewal date of that authority, the APRN's prescriptive authority will lapse and expire after 45 days. The APRN whose prescriptive authority has expired may not prescribe until the board has reinstated the APRN's prescriptive authority. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 2518, Eff. 9/9/94; AMD, 2000 MAR p. 2683, Eff. 10/6/00; AMD, 2002 MAR p. 3602, Eff. 12/13/02; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2006 MAR p. 2035; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rule 24.159.1469 reserved

24.159.1470 NURSE PRACTITIONER PRACTICE (1) Nurse practitioner (NP) practice means the independent and/or collaborative management of primary and/or acute health care of individuals, families, and communities including:

(a) assessing the health status of individuals and families using methods appropriate to the client population and area of practice such as health history taking, physical examination, and assessing developmental health problems.

(b) instituting and facilitating continuity of health care to clients, including:

(i) ordering durable medical equipment, treatments and modalities, and diagnostic tests;

(ii) receiving and interpreting results of diagnostic procedures;

(iii) making medical and nursing diagnoses; and

(iv) working with clients to promote their understanding of and compliance with therapeutic regimens.

(c) promoting wellness and disease prevention programs;

(d) referring clients to a physician or other health care provider, when appropriate;

(e) providing instruction and counseling to individuals, families, and groups in the areas of health promotion and maintenance, including involving such persons in planning for their health care; and

(f) working in collaboration with other health care providers and agencies to provide and, where appropriate, coordinate services to individuals and families.

(2) Every licensed NP shall abide by the practice standards and guidelines established by a NP national professional organization as identified by the NP.

(History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, 37-8-409, MCA;

NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91;

AMD, 2000 MAR p. 954, Eff. 4/14/00; AMD, 2002 MAR p. 3399, Eff. 12/13/02;

TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1471 through 24.159.1474 reserved

24.159.1475 CERTIFIED NURSE MIDWIFERY PRACTICE (1) Certified nurse midwifery (CNM) practice means the independent and/or collaborative management of care of essentially normal newborns, providing perinatal and general women's healthcare within a health care system that provides for medical consultation, collaborative management, and referral.

(2) All licensed CNMs shall be enrolled in either the certification maintenance program or the continuing competency assessment program through the American College of Nurse Midwives.

(3) Every licensed CNM shall abide by the practice standards and guidelines established by a CNM national professional organization as identified by the CNM. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, 37-8-409, MCA; NEW, 1983 MAR p. 10, Eff. 1/14/83; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 2152, Eff. 10/26/01; AMD, 2003 MAR p. 2861, Eff. 12/25/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1476 through 24.159.1479 reserved

24.159.1480 CERTIFIED REGISTERED NURSE ANESTHETIST PRACTICE

(1) Certified registered nurse anesthetist (CRNA) practice is the independent and/or collaborative performance of or the assistance in any act involving the determination, preparation, administration, or monitoring of any drug used in the administration of anesthesia or related services for surgical and other therapeutic procedures that require the presence of persons educated in the administration of anesthetics.

(2) Every licensed CRNA shall abide by the practice standards and guidelines established by a CRNA national professional organization as identified by the CRNA. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, 37-8-409, MCA; NEW, 1982 MAR p. 1603, Eff. 8/27/82; AMD, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2002 MAR p. 3320, Eff. 11/28/02; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1481 through 24.159.1484 reserved

24.159.1485 CLINICAL NURSE SPECIALIST PRACTICE (1) Clinical nurse specialist (CNS) practice means the independent and/or collaborative delivery and management of expert level nursing care to individuals or groups, including the ability to:

- (a) assess the health status of individuals and families using methods appropriate to the client population and area of practice;
 - (b) diagnose human responses to actual or potential health problems using the nursing process;
 - (c) plan for health promotion, disease prevention, and/or therapeutic intervention in collaboration with the client. The goal is to enhance the problem-solving and self-care abilities of the client whenever and to whatever extent possible. The clinical nurse specialist works with other health care providers to maximize resources available to the client and family;
 - (d) implement therapeutic interventions based on the clinical nurse specialist's area(s) of expertise, including but not limited to:
 - (i) direct nursing care;
 - (ii) ordering durable medical equipment;
 - (iii) ordering nonpharmacological treatment;
 - (iv) providing medications or treatments according to protocol;
 - (v) receiving and monitoring diagnostic procedures according to protocols;
- and
- (vi) counseling and/or teaching.
 - (e) refer for additional health care as necessary and appropriate;
 - (f) coordinate health care as necessary and appropriate;
 - (g) evaluate, with the client, the effectiveness of care;
 - (h) educate clients, families, other health care professionals, and the public;
 - (i) engage in research activities; and
 - (j) provide consultation to other health care providers.

(2) Every licensed CNS shall abide by the practice standards and guidelines established by a CNS national professional organization as identified by the CNS. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, 37-8-409, MCA; NEW, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 2002 MAR p. 2315, Eff. 8/30/02; AMD, 2005 MAR p. 742, Eff. 5/13/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Rules 24.159.1486 through 24.159.1489 reserved

24.159.1490 PSYCHIATRIC-MENTAL HEALTH PRACTITIONER

PRACTICE (1) Psychiatric-mental health NP or psychiatric CNS practice means the independent and/or collaborative management of primary mental health care for individuals, families, and communities throughout the life span and for those who have or are at risk for developing mental health problems. The psychiatric-mental health practitioner may be educated as an NP or a CNS in the area of psychiatric-mental health advanced practice nursing. The practice of psychiatric-mental health practitioners includes:

(a) assessing the mental health status of individuals and families using methods appropriate to the client population and area of practice including:

(i) health history taking;

(ii) diagnosis and treatment of complex mental health issues; and

(iii) assessing developmental health problems.

(b) instituting and providing continuity of mental health care to clients;

(c) managing therapeutic regimens;

(d) ordering treatments and modalities;

(e) receiving and interpreting results of diagnostic procedures;

(f) working with clients to ensure their understanding of and compliance with therapeutic regimens;

(g) promoting mental health wellness and psychiatric disease prevention programs;

(h) recognizing and referring clients to a physician or other health care provider, when appropriate;

(i) instructing and counseling individuals, families, and groups in mental health promotion and maintenance, including involving the clients in planning for their health care; and

(j) working in collaboration with other health care providers and agencies to provide and coordinate services to individuals and families.

(2) Every licensed psychiatric NP and CNS shall abide by the practice standards and guidelines established by a national professional organization as identified by the NP or CNS. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, 37-8-409, MCA; NEW, 2003 MAR p. 2863, Eff. 12/25/03; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06; AMD, 2008 MAR p. 2346, Eff. 11/7/08.)

Subchapter 15 reserved

Subchapter 16

Delegation and Assignment

24.159.1601 PURPOSE (1) The purpose of these rules relating to delegation and assignment is to:

(a) serve as a standard for nurses who hire, supervise, and/or serve as a delegator to unlicensed assistive personnel (UAP); and

(b) establish minimal acceptable levels of safe and effective delegation.

(History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1022, Eff. 7/1/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.1602 DEFINITIONS The following words and terms as used in this subchapter have the following meanings:

(1) "Accountability" means the responsibility of the delegating nurse for the decision to delegate, for verifying the competency of the UAP delegatee, and for supervising the performance of the delegated task.

(2) "Acute care" means health care received in response to a particular episode of illness or injury, delivered in a licensed healthcare facility that has an organized medical staff, which may include advanced practice registered nurse (APRN) providers, and provides care by licensed registered nurses.

(3) "Advanced delegation" means delegation of specified advanced nursing tasks to specified UAPs only as allowed in ARM 24.159.1630, 24.159.1631, 24.159.1636, and 24.159.1640 and under immediate supervision.

(4) "Assignment" means giving to a UAP or licensee a specific task that the UAP or licensee is competent to perform and which is within the UAP's area of responsibility or a licensee's area of accountability or scope of practice.

(5) "Chief nursing officer" means the nurse who:

(a) directs the facility's nursing services;

(b) establishes nursing policies and procedures; and

(c) establishes nursing standards of patient care, treatment, and services specific to the facility.

(6) "Community based residential setting" means a setting in which the client lives in the client's own home or apartment, home of a relative, foster home, or group home.

(7) "Competency" means performance standards including demonstrated skills, knowledge, abilities, and understanding of specific tasks that are required in a specific role and setting.

(8) "Delegatee" means the UAP receiving the delegation.

(9) "Delegation" means the act of authorizing and directing a UAP to perform a specific nursing task in a specific situation in accordance with these rules.

(10) "Delegator" means the nurse who makes the decision to delegate and thereby assumes accountability as defined in this rule. The term "delegator" has the same meaning as the term "delegating nurse".

(11) "Direct supervision" means the nurse delegator is on the premises, and is quickly and easily available to the UAP.

(12) "Fundamentals of nursing course" means a nursing course that provides an introduction to the art and science of nursing practice and human care. Introduction to the concepts of clinical judgment, nursing principles, nursing process, communication skills, and the role of the nurse are included.

(13) "Good academic standing" means a student nurse who is currently enrolled and not on academic probation.

(14) "Immediate supervision" means the nurse delegator is on the premises and is within audible and visual range of the patient that the UAP is attending.

(15) "Indirect supervision" means the nurse delegator is not on the premises but has previously given written instructions to the UAP for the care and treatment of the patient and is readily available to the delegatee either in person or by telecommunication.

(16) "Nursing assessment" means an ongoing process of determining nursing care needs based upon collection and interpretation of data relevant to the health status of the patient.

(17) "Nursing judgment" means the intellectual process that a nurse exercises in forming an opinion and reaching a clinical decision based upon analysis of the evidence or data.

(18) "Nursing student" means a person currently enrolled and studying in a state nursing board-approved or state nursing commission-approved nursing education program.

(a) Enrollment includes all periods of regularly planned educational programs and all school scheduled vacations and holidays.

(b) Enrollment does not include any leaves of absence or withdrawals from the nursing program, or enrollment solely in academic nonnursing course work.

(19) "Nursing task" means an activity that requires judgment, analysis, or decision-making based on nursing knowledge or expertise and one that may change based on the individual client or situation.

(20) "Pharmacology course" means a nursing course that introduces the student to the basic principles of pharmacology in nursing practice and the skills necessary to safely administer medications. Students will be able to demonstrate accurate dosage calculations, correct medication administration, knowledge of drug classifications, and therapeutic and nursing implications of medication administration.

(21) "Stable" means a state of health in which the prognosis indicates little, if any, immediate change.

(22) "Supervision" means the provision of guidance or direction, evaluation and follow-up by the licensed nurse for accomplishment of a nursing task delegated to a UAP.

(23) "Unlicensed assistive person" or "UAP" means any person, regardless of title, who is not a licensed nurse and who functions in an assistive role to the nurse and receives delegation of nursing tasks and assignment of other tasks from a nurse. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1291, Eff. 7/1/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rule 24.159.1603 reserved

24.159.1604 TASKS WHICH MAY BE ROUTINELY ASSIGNED TO AN UNLICENSED PERSON IN ANY SETTING WHEN A NURSE-PATIENT RELATIONSHIP EXISTS

(1) The following are tasks that are not within the exclusive scope of a licensed nurse's practice and may be within the scope of sound nursing practice to be assigned to a UAP:

(a) noninvasive and nonsterile treatments unless otherwise prohibited by these rules;

(b) the collecting, reporting, and documentation of data including, but not limited to:

(i) vital signs, height, weight, intake and output;

(ii) changes from baseline data established by the nurse;

(iii) environmental situations;

(iv) patient or family comments relating to the patient's care;

(v) behaviors related to the plan of care.

(c) ambulation, positioning, and turning;

(d) personal hygiene and elimination;

(e) oral feeding, cutting up food, or placing of meal trays;

(f) socialization activities;

(g) activities of daily living;

(h) assisting with self-administration of medications where the following acts are used:

(i) verbal suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;

(ii) handing a prefilled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy to the patient;

(iii) opening the lid of the above-referenced container for the patient;

(iv) guiding the hand of the patient to self-administer the medication;

(v) holding and assisting the patient in drinking fluid to assist in the swallowing of oral medications;

(vi) assisting with removal of a medication from a container for residents with a physical disability which prevents independence in the act. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1994 MAR p. 1424, Eff. 5/27/94; TRANS & AMD, 2005 MAR p. 1291, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.1605 STANDARDS RELATED TO THE FACILITY'S CHIEF NURSING OFFICER REGARDING DELEGATION PRACTICES (1) The facility's chief nursing officer is responsible for ensuring that:

- (a) the UAP is oriented to the facility and specific role;
- (b) the UAP's skills are observed, evaluated, and documented;
- (c) a written UAP job description, specific to setting, is provided to the UAP and to the delegator;
- (d) with respect to advanced delegation as provided in ARM 24.159.1630, 24.159.1631, 24.159.1636, and 24.159.1640, the UAP's satisfactory completion of education and maintenance of certification is verified;
- (e) verification is performed of a nursing student's:
 - (i) current enrollment and good academic standing in a nursing education program approved by a state nursing board or a state nursing commission;
 - (ii) satisfactory completion of each academic period; and
 - (iii) current level of educational preparation, with a minimum of satisfactory completion of a course in the fundamentals of nursing as documented by official educational institution transcript and by course description;
- (f) a name badge which includes first and last name and specific title in standard, bold face font no less than 18 point is provided to the UAP and is worn at all times when on duty, with the exception of settings requiring sterile attire;
- (g) each nurse in the organization is educated on the process of delegation and the nurse's competency to delegate in accordance with these rules is assessed; and
- (h) policy and procedures concerning delegation of nursing tasks are developed and implemented consistent with this subchapter.

(2) A violation of any rule in this subchapter constitutes unprofessional conduct under ARM 24.159.2301. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1291, Eff. 7/1/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.1606 through 24.159.1609 reserved

24.159.1610 ACCOUNTABILITY (1) The delegating nurse retains accountability for:

- (a) the decision to delegate;
- (b) the delegated task;
- (c) verifying the delegatee's competency to perform the task; and
- (d) providing supervision. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1022, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.1611 CRITERIA FOR DELEGATION OF NURSING TASKS (1) A licensed nurse may only delegate nursing tasks to UAPs in accordance with these rules. Delegation of a nursing task to a UAP shall be based solely on the determination of the patient's nurse, who has personally assessed the patient's condition, that delegation can be performed without jeopardizing the patient's welfare. Delegation shall be task-specific, patient-specific, and UAP-delegatee specific.

(2) Delegation may only be performed in settings which have a designated chief nursing officer.

(3) The delegating nurse must:

(a) personally make a nursing assessment of the patient's care needs before delegating;

(b) verify the UAP's competency to perform the specific task for the specific patient and provide instruction as necessary followed by reverification of competency before delegating;

(c) provide supervision in accordance with ARM 24.159.1612; and

(d) inform the patient of the decision to delegate.

(4) The nursing task to be delegated must be:

(a) within the area of responsibility, scope of practice, and competency of the nurse delegating the task;

(b) one which does not require complex observations, critical decision-making, exercise of nursing judgment, or repeated nursing assessments;

(c) one which is frequently performed and is generally considered technical in nature;

(d) one for which results are reasonably predictable and which has minimal potential for risks; and

(e) one which can be safely performed according to exact, unchanging directions. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1022, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.1612 STANDARDS RELATED TO THE NURSE FUNCTIONING AS A DELEGATOR

(1) The degree of required supervision of the UAP by the delegating nurse shall be determined by the delegating nurse after evaluation of factors described in this subchapter including, but not limited to, the following:

- (a) stability of the patient's condition;
- (b) training and capability of the specific UAP delegatee;
- (c) nature of the nursing task being delegated;
- (d) proximity and availability of the nurse to the UAP when the nursing task will be performed; and

(e) setting:

(i) In an acute care or skilled nursing facility setting, the delegating nurse shall provide, at a minimum, direct supervision for any delegated nursing task.

(ii) For advanced delegation as authorized in ARM 24.159.1630, 24.159.1631, 24.159.1636 and 24.159.1640, the delegating nurse shall provide immediate supervision for any delegated nursing task.

(iii) In nonacute settings, the delegating nurse shall provide, at a minimum, indirect supervision for any delegated nursing task.

(2) In nonacute settings, unless otherwise provided in this rule or indicated by the situation, the delegating nurse shall make a supervisory visit at least monthly to:

- (a) evaluate the patient's health status;
- (b) evaluate the performance of the delegated nursing task;
- (c) determine whether goals are being met; and
- (d) determine the appropriateness of continuing delegation of the task.

(3) The delegating nurse is accountable for the:

- (a) safety of the patient;
- (b) nursing process;
- (c) patient assessment; and
- (d) delegation of nursing tasks appropriate to the UAP's documented knowledge, skills, and abilities.

(4) Violation of any rule in this subchapter constitutes unprofessional conduct under ARM 24.159.2301. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1291, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.1613 through 24.159.1615 reserved

24.159.1616 NURSING TASKS RELATED TO MEDICATIONS THAT MAY BE DELEGATED (1) Administration of medication may only be delegated by the nurse in the following settings:

- (a) schools;
- (b) hospice residential facilities;
- (c) Montana state prison;
- (d) women's correctional center; and
- (e) community based residential settings not defined as health care facilities in Title 50, chapter 5, MCA, except as otherwise provided herein.

(2) Medications administered pursuant to (1) are limited to the following types of medications and routes:

- (a) pharmacy-prepared or authorized prescriber-prepared medications introduced into the body by inhalant dispenser or nebulizer;
- (b) oral medication taken from:
 - (i) a prefilled, labeled medication holder;
 - (ii) a labeled unit dose container; or
 - (iii) an original marked and labeled pharmacy container;
- (c) oral medication, either in liquid form which must be measured or in tablet form which must be broken, provided the nurse has calculated the dose and amount to be administered;
- (d) suppository medication taken from:
 - (i) a prefilled, labeled medication holder;
 - (ii) a labeled unit dose container; or
 - (iii) an original marked and labeled pharmacy container;
- (e) topical ointments, except as provided in ARM 24.159.1625; and
- (f) ear drops and eye drops taken from:
 - (i) a prefilled, labeled medication holder;
 - (ii) a labeled unit dose container; or
 - (iii) an original marked and labeled pharmacy container.

(3) In advanced delegation, administration of medication is restricted as specified in ARM 24.159.1630, 24.159.1631, 24.159.1636 and 24.159.1640.

(History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1291, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.1617 through 24.159.1624 reserved

24.159.1625 GENERAL NURSING FUNCTIONS AND TASKS THAT MAY NOT BE DELEGATED (1) The following nursing functions require nursing knowledge, judgment, and skill and may not be delegated:

- (a) the nursing assessment;
- (b) development of the nursing diagnosis;
- (c) establishment of the nursing care goal;
- (d) development of the nursing care plan; and
- (e) evaluation of the patient's progress, or lack of progress, toward goal achievement.

(2) Nursing interventions, including but not limited to the following, require nursing knowledge, judgment, and skill and may not be delegated except as provided in ARM 24.159.1616, 24.159.1630, 24.159.1631, 24.159.1636, and 24.159.1640:

- (a) calculation of any medication dose;
- (b) administration of medications:
 - (i) by mouth;
 - (ii) sublingually;
 - (iii) by subcutaneous injection;
 - (iv) by intramuscular injection;
 - (v) intravenous injection or drip;
 - (vi) per tube;
 - (vii) by aerosol/inhalation; or
 - (viii) by suppository;
- (c) administration of topical:
 - (i) opiates;
 - (ii) cardiovascular medications;
 - (iii) anesthetic medications; or
 - (iv) systemic medications;
- (d) administration of blood products;
- (e) administration of chemotherapeutic agents; and
- (f) administration of total parenteral nutrition (TPN), hypertonic solutions, or IV additives;
 - (g) insertion of peripheral IV catheters;
 - (h) insertion of central IV catheters;
 - (i) insertion of nasogastric or other feeding tubes;
 - (j) removal of:
 - (i) endotracheal tubes;
 - (ii) chest tubes;
 - (iii) Jackson-Pratt drain tubes (JP tubes);
 - (iv) arterial or central catheters; and
 - (v) epidural catheters; and
 - (k) patient triage.

(3) A nurse may not delegate to a UAP the authority to receive verbal orders from providers.

(4) A nurse may not delegate to a UAP the task of teaching or counseling patients or a patient's family relating to nursing and nursing services. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1291, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.1626 through 24.159.1629 reserved

24.159.1630 ADVANCED DELEGATION, GENERALLY (1) The board recognizes that certain UAPs are prepared by specialized education and training to receive delegation of advanced nursing tasks as provided in ARM 24.159.1631, 24.159.1636 and 24.159.1640. Delegation of advanced nursing tasks must be from a nurse authorized to delegate the specified advanced nursing tasks, in settings and populations congruent with the UAPs' respective specialized education and training. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1022, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.1631 ADVANCED DELEGATION TO UAP NURSING STUDENTS

(1) A nursing student who is working as a UAP in any setting may receive delegation of the advanced nursing tasks identified in this rule if:

(a) the UAP nursing student is supervised at the level determined by the delegating nurse in accordance with these rules; and

(b) the nursing student is:

(i) currently enrolled in a state nursing board-approved nursing education program or a state nursing commission-approved nursing education program;

(ii) in good academic standing; and

(iii) whose satisfactory completion of fundamentals of nursing course, as defined in ARM 24.159.1602, has been verified by the facility's chief nursing officer; and

(iv) as a condition of receiving delegation of medication administration, has satisfactorily completed a pharmacology course, as defined in ARM 24.159.1602 and completion has been verified by the facility's chief nursing officer.

(2) A UAP nursing student may receive delegation of the following advanced nursing tasks:

(a) calculation of medication dose;

(b) administration of medications:

(i) by mouth;

(ii) sublingually;

(iii) by subcutaneous injection;

(iv) by intramuscular injection;

(v) per tube;

(vi) by aerosol/inhalation; and

(vii) by suppository;

(c) administration of topical:

(i) opiates;

(ii) cardiovascular medications;

(iii) anesthetic medications; and

(iv) systemic medications;

(d) insertion of peripheral IV catheters;

(e) hanging, without additives, IV fluids including:

(i) lactated Ringer's (LR);

(ii) normal saline (NS);

(iii) 5 percent dextrose in sterile water (D5W);

(iv) 5 percent dextrose in normal saline (D5NS);

(v) 5 percent dextrose in .45 percent saline (D51/2NS); and

(vi) 5 percent dextrose in lactated Ringer's (D5LR);

(f) adjusting IV flow rates; and

(g) any other nursing tasks for which the student has received instruction within the nursing program, as confirmed by official transcript and course description, and allowed by facility job description.

- (3) A UAP nursing student may not receive delegation of:
- (a) the nursing assessment;
 - (b) development of the nursing diagnosis;
 - (c) establishment of the nursing care plan;
 - (d) development of the nursing care plan;
 - (e) evaluation of the patient's progress, or lack of progress, toward goal achievement;
 - (f) patient triage;
 - (g) medication administration by intravenous injection or drip;
 - (h) administration of:
 - (i) blood products;
 - (ii) chemotherapeutic agents; or
 - (iii) total parenteral nutrition (TPN), hypertonic solutions, or IV additives;
 - (i) insertion of:
 - (i) central IV catheters; or
 - (ii) nasogastric or other feeding tubes;
 - (j) removal of:
 - (i) endotracheal tubes;
 - (ii) chest tubes;
 - (iii) Jackson-Pratt drain tubes (JP tubes);
 - (iv) arterial or central catheters; or
 - (v) epidural catheters;
 - (k) ability to receive verbal orders from providers; and
 - (l) teaching or counseling a patient or a patient's family relating to nursing and nursing services. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1291, Eff. 7/1/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Rules 24.159.1632 through 24.159.1635 reserved

24.159.1636 ADVANCED DELEGATION TO UAPS WORKING IN THE EMERGENCY DEPARTMENT (1) A UAP working in a facility's emergency department may receive delegation of the advanced nursing tasks identified in this rule if:

- (a) the delegation is made in the emergency department;
- (b) the delegation is for a patient seeking emergency health care services;

and

- (c) the UAP:
 - (i) is under the immediate supervision of the delegating nurse;
 - (ii) possesses current national registry of emergency medical technicians (NREMT) registration at the intermediate or paramedic level; and
 - (iii) is competent to perform the advanced nursing tasks identified in this rule.

(2) A UAP working in the facility's emergency department may receive delegation of the following nursing tasks:

- (a) insertion of peripheral IV catheters; and
- (b) hanging, without additives, initial IV fluids including:
 - (i) lactated Ringer's (LR);
 - (ii) normal saline (NS);
 - (iii) 5 percent dextrose in sterile water (D5W);
 - (iv) 5 percent dextrose in normal saline (D5NS);
 - (v) 5 percent dextrose in .45 percent saline (D51/2NS); and
 - (vi) 5 percent dextrose in lactated Ringer's (D5LR). (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1022, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.1637 through 24.159.1639 reserved

24.159.1640 ADVANCED DELEGATION TO UAPS WORKING IN THE DIALYSIS UNIT (1) A UAP working in a dialysis unit may receive delegation of advanced nursing tasks identified in this rule if:

(a) the delegation is made in an out-patient dialysis unit;
 (b) the delegation is for an established adult dialysis patient who has been on dialysis for more than 30 days; and

(c) the UAP is:

(i) under the immediate supervision of the delegating nurse; and
 (ii) is currently certified as a certified dialysis technician by either the:

(A) Nephrology Nursing Certification Commission (NNCC); or

(B) Board of Nephrology Examiners - Nursing and Technology (BONENT).

(2) The UAP working in the dialysis unit may receive delegation of the following advanced nursing tasks:

(a) preparing dialysate according to established procedures and the dialysis prescription;

(b) assembling and preparing the dialysis extracorporeal circuit according to protocol and dialysis prescription;

(c) preparing and cannulating of mature fistula/graft. Maturity/stability of the graft will be established by a nurse prior to cannulation;

(d) initiating, delivering or discontinuing the dialysis treatment;

(e) obtaining a blood specimen via a dialysis line or a fistula/graft site; and

(f) administering the following medications under the immediate supervision of an RN:

(i) heparin, only in concentrations of 1:1000 units or less, in an amount prescribed by an individual authorized by Montana statute to so prescribe:

(A) to prime the extracorporeal circuit;

(B) to initiate treatment; and/or

(C) for routine administration throughout the treatment;

(ii) normal saline via the dialysis machine to correct dialysis-induced hypotension;

(iii) intradermal anesthetics, in an amount prescribed by an individual authorized by Montana statute to so prescribe, as an integral part of the vascular access cannulation procedure; and

(iv) oxygen by nasal cannula. (History: 37-1-131, 37-8-202, MCA; IMP, 37-1-131, 37-8-202, MCA; NEW, 2005 MAR p. 1022, Eff. 7/1/05; TRANS, from Commerce, 2006 MAR p. 2035.)

Subchapters 17 through 19 reserved

Subchapter 20

Nurses' Assistance Program

24.159.2001 INTRODUCTION OF THE NURSES' ASSISTANCE PROGRAM

(1) The nurses' assistance program (NAP) is a specially designed program to assist Montana nurses whose competency may be impaired due to the abuse of drugs or alcohol. The NAP will have two tracks:

- (a) the disciplinary track; and
- (b) the nondisciplinary track.

(2) The NAP will monitor the nurses' rehabilitation process to ensure public safety. Information that relates to the abuse of addictive drugs, alcohol, or any other drug or substance, may be reported by the licensee to the NAP in lieu of reporting to the board. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.2002 ADMINISTRATION OF THE PROGRAM

(1) The NAP will be under the jurisdiction of the board. The board may contract with a consultant to administer the NAP. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.2003 CONSULTANT REQUIREMENTS (1) To be qualified, a consultant must have:

- (a) an unencumbered license as a registered nurse in Montana with a minimum of a baccalaureate degree in nursing;
- (b) a state level certification appropriate for chemical dependency counseling;
- (c) a minimum of three years nursing experience;
- (d) two years previous experience related to monitoring health care professionals with substance abuse/dependency;
- (e) education in identification, treatment, intervention, and rehabilitation of nurses with substance abuse/dependency; and
- (f) two years employment experience in a recognized treatment program for chemical dependency. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.2004 CONSULTANT ACTIVITIES (1) A consultant shall:

- (a) carry out all decisions mandated by the board;
- (b) submit quarterly activity/statistical reports to the board;
- (c) submit quarterly progress reports on licensees enrolled in the disciplinary tract of the NAP;
- (d) report licensees in the nondisciplinary track of the NAP to the board who do not comply with the NAP requirements and/or for whom there is reasonable suspicion they may not be able to practice safe nursing;
- (e) provide information and consultation to the board upon request;
- (f) review statutes and rules with the board and its staff as directed by the board;
- (g) recommend admissions and discharges of participants in the NAP to the board as appropriate; and
- (h) provide documentation of monitoring of all NAP participants. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.2005 through 24.159.2009 reserved

24.159.2010 DISCIPLINARY TRACK (1) Participation in the NAP may be mandated as a part of disciplinary action by the board or if a complaint against the licensee has been submitted to the board. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.2011 ADMISSION CRITERIA - DISCIPLINARY TRACK (1) A licensee may be admitted to the NAP disciplinary track if:

(a) the licensee has violated the statutes or rules related to nursing practice which involved alcohol and/or drugs and whom the board has stipulated the NAP as a part of disciplinary action;

(b) the licensee agrees to abide by the terms of the NAP; or

(c) the nurse is from another state, has applied for a nursing license in Montana, and is mandated by final order of that state board of nursing to attend a NAP program. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.2012 PROGRAM REQUIREMENTS - DISCIPLINARY TRACK

(1) The program requirements of the NAP disciplinary track are that the licensee shall:

(a) agree to evaluations necessary to determine treatment and monitoring needs while a part of the NAP;

(b) sign a contract with the NAP and comply with said contract and all requirements as indicated in the NAP participant handbook;

(c) be responsible for all costs for treatment and monitoring.

(2) The NAP shall be responsible for:

(a) submitting quarterly reports to the board;

(b) reporting to the board any violations of the NAP contract or any reasonable suspicion that the licensee may not be able to practice safe nursing.

(History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.2013 DISCHARGE CRITERIA - DISCIPLINARY TRACK (1) The licensee shall be discharged from the NAP disciplinary track when the licensee has:

- (a) successfully completed the NAP and complied with the final order of the board. The board will be notified of successful completion;
- (b) failed to comply with the NAP contract. The NAP will submit a report of failure to comply to the board; or
- (c) voluntarily withdrawn from the NAP. The NAP will submit a report to the board. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, 2006 MAR p. 2035.)

Rules 24.159.2014 through 24.159.2019 reserved

24.159.2020 NONDISCIPLINARY TRACK (1) The nondisciplinary track of the NAP is open to:

(a) any licensee who identifies a drug/alcohol problem and requests admission to the NAP; or

(b) those licensees referred by the board.

(2) Licensees may be reported directly to the NAP in lieu of a formal complaint to the board. The identity of participants in the nondisciplinary track of the NAP will remain unknown to the board unless there is a failure to enroll or comply with the requirements of the NAP. Failure to enroll or comply with the NAP will result in a formal complaint to the board by the NAP. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1995 MAR p. 847, Eff. 5/12/95; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.2021 ADMISSION CRITERIA - NONDISCIPLINARY TRACK (1) A licensee may be admitted to the NAP nondisciplinary track if the licensee is a:

(a) licensed nurse or previously licensed nurse in the state of Montana who requests admission;

(b) licensed nurse from another state who has applied for a nursing license in Montana and is in a similar monitoring program in another state;

(c) licensee without a previous disciplinary action from any licensing board;

(d) licensee against whom no notice of proposed board action or similar notice issued by a licensing board is pending; or

(e) licensee who successfully completed the NAP or similar monitoring program when enrolled.

(2) A licensee whose nursing practice has involved death or significant harm to a patient is not eligible for the nondisciplinary track.

(3) A licensee who has diverted controlled substances or caution legend drugs for purposes of sale, distribution, or personal use is not eligible for the nondisciplinary track. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1995 MAR p. 847, Eff. 5/12/95; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

24.159.2022 PROGRAM REQUIREMENTS - NONDISCIPLINARY TRACK

(1) The requirements of the NAP nondisciplinary track are that the licensee shall:

- (a) agree to submit evaluations necessary to determine treatment and monitoring needs while a part of the NAP and agree to sign any waivers of confidentiality or release of information, as requested;
 - (b) sign the NAP contract and comply with all requirements of that contract;
- and

(c) be responsible for all costs of treatment and monitoring.

(2) The NAP shall be responsible for:

(a) submitting quarterly reports to the board with statistical information on nondisciplinary NAP participants; and

(b) reporting to the board any violations of the NAP contract or any reasonable suspicion that the licensee may not be able to practice safe nursing.

(History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, 2006 MAR p. 2035.)

24.159.2023 DISCHARGE CRITERIA - NONDISCIPLINARY TRACK

(1) The licensee shall be discharged from the NAP nondisciplinary track when the licensee:

(a) successfully completes the NAP;

(b) does not comply with the NAP. The NAP will submit a report to the board; or

(c) voluntarily withdraws from the NAP. The NAP will submit a complaint to the board.

(2) A licensee may be discharged if the licensee violates any of the statutes or rules related to nursing which results in disciplinary action by the board. (History: 37-8-202, MCA; IMP, 37-8-202, MCA; NEW, 1991 MAR p. 2435, Eff. 12/13/91; AMD, 2001 MAR p. 167, Eff. 1/26/01; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)

Subchapters 21 and 22 reserved

Subchapter 23

Unprofessional Conduct

24.159.2301 CONDUCT OF NURSES (1) Professional conduct for nurses is behavior including acts, knowledge, and practices, which through professional experience, has become established by practicing nurses as conduct which is reasonably necessary for the protection of the public interests.

(a) While working as a nurse, all nurses will identify themselves with a name badge disclosing their first and last name, as it appears on their nursing license, and license type. The identification badge will be written in a standard bold face font with a font size of no less than 18.

(b) All nurses shall notify the board office of any change in address within ten days of the change. Failure to notify the board of an address change may result in a fine.

(2) Unprofessional conduct, for purposes of defining 37-1-307, MCA, in addition to unprofessional conduct listed at 37-1-316, MCA, the following being unique, is determined by the board to mean behavior (acts, omissions, knowledge, and practices) which fails to conform to the accepted standards of the nursing profession and which could jeopardize the health and welfare of the people and shall include, but not be limited to, the following:

(a) failing to utilize appropriate judgment in administering safe nursing practice based upon the level of nursing for which the individual is licensed;

(b) failing to exercise technical competence in carrying out nursing care;

(c) failing to follow policies or procedures defined in the practice situation to safeguard patient care;

(d) failing to safeguard the patient's dignity and right to privacy;

(e) verbally or physically abusing patients;

(f) performing procedures beyond the authorized scope of the level of nursing and/or health care for which the individual is licensed as defined by rules;

(g) altering and/or manipulating drug supplies, narcotics, or patients' records;

(h) falsifying patients' records, intentionally charting incorrectly or failing to chart;

(i) diversion of a medication for any purpose;

- (j) violating state or federal laws relative to drugs;
- (k) intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
- (l) delegating nursing care, functions, tasks and/or responsibilities to others contrary to the Montana laws and rules governing nursing and/or to the detriment of patient safety;
- (m) failing to exercise appropriate supervision over persons who are practicing under the supervision of the licensed professional;
- (n) leaving a nursing assignment without properly notifying appropriate personnel;
- (o) practicing professional or practical nursing as a registered or practical nurse in this state without a current active Montana license or permit;
- (p) failing to report to the board information known to the individual regarding any possible violation of the statutes or rules relating to nursing;
- (q) a license or certificate in a related health care discipline in Montana, another state or any jurisdiction denied, revoked, suspended, placed on probation or voluntarily surrendered for any reason that would constitute a basis for disciplinary action in this state;
- (r) failing to comply with the contract provisions of the nurses' assistance program;
- (s) refusing to sign for or accept a certified mailing from the board office; or
- (t) failing to participate and cooperate in a Department of Labor and Industry investigation; and
- (u) failing to report to the board office within 30 days of the date of the final judgment, order, or agency action, any malpractice, professional misconduct, criminal, or disciplinary action in which the nurse or the nurse's employer, on account of the nurse's conduct, is a named party. (History: 37-1-319, 37-8-202, MCA; IMP, 37-1-316, 37-1-319, 37-8-202, MCA; NEW, 1979 MAR p. 1247, Eff. 10/12/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 1556, Eff. 10/18/85; AMD, 1988 MAR p. 2720, Eff. 12/23/88; AMD, 1994 MAR p. 1424, Eff. 5/27/94; AMD, 1996 MAR p. 418, Eff. 2/9/96; AMD, 1996 MAR p. 1489, Eff. 6/7/96; AMD, 1997 MAR p. 626, Eff. 4/8/97; AMD, 2000 MAR p. 2681, Eff. 10/6/00; AMD, 2002 MAR p. 3399, Eff. 12/13/02; AMD, 2005 MAR p. 1686, Eff. 9/9/05; TRANS, from Commerce, & AMD, 2006 MAR p. 2035, Eff. 8/25/06.)