

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.101.413 renewal dates )

TO: All Concerned Persons

1. On September 7, 2018, the Board of Nursing (board) published MAR Notice No. 24-159-86 regarding the public hearing on the proposed amendment of the above-stated rule, at page 1778 of the 2018 Montana Administrative Register, Issue No. 17.

2. On September 28, 2018, a public hearing was held on the proposed amendment of the above-stated rule in Helena. Several comments were received by the October 5, 2018, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: Several commenters supported the proposed rule change as proposed.

RESPONSE 1: The board appreciates all comments received during the rulemaking process. The board is amending the rule exactly as proposed.

COMMENT 2: Numerous commenters supported the rule amendment but stressed the need for the board to communicate the new renewal plan with all licensed nurses. Some commenters made suggestions for ensuring all licensees are aware of their renewal dates.

RESPONSE 2: The board is aware of its duty to communicate with licensed nurses and will work with the department and stakeholders to ensure an adequate communication plan is in place to ensure all nurses are aware of the new renewal schedule.

COMMENT 3: Some commenters requested the board address the effect this rule change will have on continuing education requirements.

RESPONSE 3: The board recognizes that licensed nurses may have planned continuing education courses over the past two years with the expectation that contact hours obtained in 2017 and 2018 would be accepted at their next license renewal. With that in mind, the board will accept contact hours obtained during 2017 and 2018 as meeting biennial continuing education requirements under ARM 24.159.2102 for nurses renewing in 2019. All nurses renewing their licenses after

2019 will continue to be held to the biennial continuing education requirements of ARM 24.159.2102.

COMMENT 4: Some commenters opposed the rule amendment because the changes likely cannot be implemented efficiently for the upcoming renewal cycle. The commenters believed this will cause confusion related to the process change that will lead to greater frustration for licensees and health care facilities.

RESPONSE 4: The board understands the commenters' concerns and notes that licensed nurses are ultimately responsible for renewing licenses on time. The board will work with the department to minimize any confusion or frustration that may result from this change in the renewal schedule and ensure that all nurses are adequately informed about the changes in this process.

COMMENT 5: A few commenters who opposed the rule amendment asserted that splitting licensees into two renewal groups shifts the regulatory burden and workload from the board to health care facilities, and increases the potential for lapses in nursing licensure.

RESPONSE 5: The board recognizes that resources, such as the Nursys database, provide tools to help employers of nurses easily retrieve data and track license expiration dates. For more information regarding the Nursys system, please contact the board's executive officer.

4. The board has amended ARM 24.101.413 exactly as proposed.

BOARD OF NURSING  
SHARON SWEENEY FEE, RN  
PRESIDENT

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 9, 2018.