

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

In the matter of the adoption of New     ) NOTICE OF PUBLIC HEARING ON  
Rule I pertaining to use of clinical     ) PROPOSED ADOPTION  
resource licensed practical nurses     )

TO: All Concerned Persons

1. On September 13, 2019, at 10:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Nursing no later than 5:00 p.m., on September 6, 2019, to advise us of the nature of the accommodation that you need. Please contact Missy Poortenga, Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2380; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or nurse@mt.gov (board's e-mail).

3. The proposed new rule is as follows:

NEW RULE I USE OF CLINICAL RESOURCE LICENSED PRACTICAL NURSES (CRLPN) (1) A clinical resource licensed practical nurse (CRLPN) is an LPN with an unencumbered Montana nursing license who provides supervision, demonstration, and collaborative evaluation of practical nursing student performance with skilled care long-term care patients.

(a) A CRLPN is required to have at least two years of experience within the past five years in a skilled care long-term care setting (this does not include experience in assisted living settings or independent living settings).

(2) CRLPNs may be used to enhance, but not replace, faculty-directed clinical learning experiences. The supervising faculty member is responsible for all students in the clinical setting, including those supervised by CRLPNs. The maximum number of nursing students a CRLPN may supervise at any one time is eight.

(3) The CRLPN is solely responsible for students and must have no concurrent clinical responsibilities.

(4) When using CRLPNs, faculty members remain responsible for:

(a) assuring that assigned duties are appropriate to the CRLPN scope of practice;

(b) ensuring safe, accessible, and appropriate supervision based on client health status, care setting, course objectives, and student level of preparation;

- (c) the lecture, clinical, and laboratory portions of a course, including actively teaching in the course for which the clinical experience is assigned; and
- (d) performing the summative clinical evaluation based on individual course objectives and student clinical performance.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: At the January 2019 meeting of the board's rules task force, a nursing program director requested that the task force consider creating a clinical resource licensed practical nurse (CRLPN) rule similar in nature to the clinical resource registered nurse rule currently in place (ARM 24.159.666). This was requested because program directors and faculty are registered nurses and do not always possess the expertise in role and scope that is necessary to teach practical nursing students in the long-term care setting. The rules task force met and discussed the specifics of this role in a practical nursing program on April 10, 2019, and made a recommendation to the full board at the July 10, 2019, meeting. Noting the purpose of the CRLPN is to conduct the clinical rotation for practical nursing students in long-term care facility settings only, the board determined it is reasonably necessary to adopt this new rule to clearly establish CRLPN qualifications and provisions for their supervision of practical nursing students.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to nurse@mt.gov, and must be received no later than 5:00 p.m., September 20, 2019.

5. An electronic copy of this notice of public hearing is available at nurse.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to nurse@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Regarding the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULE I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2380; facsimile (406) 841-2305; or to nurse@mt.gov.

9. Missy Poortenga, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF NURSING  
SHARON SWEENEY FEE, PHD, RN, CNE  
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 August 13, 2019.