

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

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON
24.159.301 definitions, 24.159.401) PROPOSED AMENDMENT AND
fees, 24.159.416 qualifications for) REPEAL
executive director of the board,)
24.159.502 nurse licensure compact)
rules, 24.159.604 program standards,)
24.159.612 program annual report,)
24.159.625 establishment of a new)
program, 24.159.650 program director,)
24.159.655 program faculty,)
24.159.663 waiver of faculty)
qualifications, 24.159.910 general)
requirements for licensure as)
medication aide I, 24.159.911 general)
requirements for licensure as)
medication aide II, 24.159.1011)
prohibited intravenous (IV) therapies,)
24.159.1021 temporary practice permit,)
24.159.1029 LPN licensure by)
examination for internationally educated)
applicants, 24.159.1221 temporary)
practice permit, 24.159.1229 RN)
licensure by examination for)
internationally educated applicants,)
24.159.1418 licensure by endorsement,)
24.159.1427 renewals, 24.159.1463)
application for prescriptive authority,)
24.159.1464 prescribing practices,)
24.159.1469 APRN competence)
development, 24.159.1601 purpose,)
24.159.1611 criteria for delegation of)
nursing tasks, 24.159.1625 general)
nursing functions and tasks that may)
not be delegated, 24.159.2301 conduct)
of nurses, and the repeal of)
24.159.1023, 24.159.1223, and)
24.159.1416 grounds for denial of a)
license)

TO: All Concerned Persons

1. On July 2, 2021, at 9:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment and repeal of the above-stated

rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/86010681047>
Meeting ID: 860 1068 1047, Passcode: 425183
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 860 1068 1047, Passcode: 425183

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

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 June 25, 2021, 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. GENERAL REASONABLE NECESSITY STATEMENT: The board intended to convene a rules committee meeting in March of 2020 to complete a thorough review of all board rules. That meeting was delayed until April 7, 2021, due to the COVID-19 pandemic and declared emergency in Montana. The committee made several recommendations for amendments and repeals which the full board accepted during the April 21, 2021 board meeting. This notice contains the committee's accepted recommendations as well as several clarifying changes suggested by board staff.

4. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.159.301 DEFINITIONS (1) and (2) remain the same.

(3) through (10) remain the same but are renumbered (4) through (11).

~~(11)~~ (12) "Delegation" means the act of authorizing and directing a ~~UAP~~ an AP to perform a specific nursing task in a specific situation in accordance with these rules.

(12) through (45) remain the same but are renumbered (13) through (46).

~~(46)~~ (3) "~~Unlicensed assistive~~ Assistive person" or "~~UAP~~ AP" 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.

(47) remains the same.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-101, 37-8-102, 37-8-202, 37-8-422, MCA

REASON: The board is amending this rule and several others in this notice to change "unlicensed assistive person" to "assistive person" or AP. In 2019, a Joint Statement on Delegation was issued from the American Nurses Association (ANA) and the National Council of State Boards of Nursing (NCSBN). The statement recommended no longer using the term "unlicensed" in reference to assistive personnel and recognized it is the role the assistive person is fulfilling that determines appropriate delegation. The board is updating the term in this rule and ARM 24.159.1601, 24.159.1611, and 24.159.1625.

24.159.401 FEES (1) through (8) remain the same.

~~(9) The fee for the board resending a renewal application is \$20.~~

~~(10) The fee for a printed copy of the laws and rules book is \$15. The fee for a copy of the laws and rules in CD-Rom format is \$5, with no restrictions on downloading laws and rules from the board web site or making duplicate copies from the original copy ordered.~~

(11) through (18) remain the same but are renumbered (9) through (16).

AUTH: 37-1-134, 37-1-319, 37-8-202, 37-8-426, MCA

IMP: 37-1-134, 37-1-141, 37-8-202, 37-8-426, MCA

REASON: The board is amending this rule to strike two outdated and erroneous fees. All communication with license applicants is guided by the department's standardized application and renewal procedures. While most renewal communications are done by email, the department does not charge to send a renewal form by mail.

The department no longer provides copies of the board's laws and rules in either printed or CD-Rom formats. The official versions of the Montana Code Annotated are online through the Montana legislature's website and the administrative rules are found on the Secretary of State's website. Links are provided to these pages on the board's website.

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

(a) and (b) remain the same.

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

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

(e) remains the same but is renumbered (d).

(2) remains the same.

AUTH: ~~37-8-202, 37-8-204, 37-8-319~~, MCA

IMP: 37-8-204, MCA

REASON: Division rules and standardized department procedures dictate that these services are provided to all licensure boards through the department's compliance unit, rather than the executive officer. The board is striking (1)(d) to align with the standardized procedures and further recognize that the executive officer's involvement in compliance activities may implicate a licensee's due process rights in disciplinary proceedings.

Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority.

24.159.502 ENHANCED NURSE LICENSURE COMPACT RULES

(1) remains the same.

(2) The compact rules can be found at <https://www.ncsbn.org/enlcrules.htm> on the National Council for State Boards of Nursing web site (www.ncsbn.org) under the Licensure Compacts tab.

AUTH: 37-8-202, MCA

IMP: 37-8-501, MCA

REASON: It is reasonably necessary to update this rule to include the current online location of the nurse licensure compact rules.

24.159.604 PROGRAM STANDARDS (1) All programs shall meet these standards:

(a) remains the same.

(b) The program identifies the national standards it uses as the basis for the purpose and expected outcomes of the program.

(b) remains the same but is renumbered (c).

~~(c) The program shall implement a comprehensive, systematic plan for ongoing evaluation that is based on program outcomes and incorporates continuous improvement.~~

~~(d) The curriculum shall provide didactic and clinical learning experiences consistent with program outcomes.~~

~~(e) Faculty and students shall participate in program planning, implementation, evaluation, and continuous improvement.~~

~~(f) The program administrator shall be a professionally and academically qualified RN with institutional authority and administrative responsibility for the program.~~

~~(g) Professionally, academically, and clinically qualified nurse faculty shall be sufficient in number and expertise to accomplish program outcomes and quality improvement.~~

~~(h) The fiscal, human, physical, clinical, and technical learning resources shall be adequate to support program processes, security, and outcomes.~~

(i) remains the same but is renumbered (d).

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

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

REASON: In carrying out site visits and reviewing self-study documents received from schools requiring site visit surveys, board staff noticed that (1)(c) through (h) are already addressed in ARM 24.159.606, 24.159.609, 24.159.650, 24.159.655 and 24.159.670. The board's contracted educational consultant, after a 2019 site survey, also recommended the board strike the provisions from this rule as they are better addressed under the stated rules. The board is striking the duplicated provisions from this rule as recommended.

24.159.612 PROGRAM ANNUAL REPORT (1) remains the same.

(2) The purpose of the annual report is to provide current data for ongoing program evaluation by the board. The annual report must be submitted using the template posted to the board web site on July 1 of each year. The report must include:

(a) and (b) remain the same.

(c) names and qualifications of full-time and part-time faculty, ~~and~~ Clinical Resource Registered Nurses (CRRNs), and Clinical Resource Licensed Practical Nurses (CRLPNs);

(d) through (h) remain the same.

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

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

REASON: In 2019, the board adopted ARM 24.159.667, the clinical resource licensed practical nurse (CRLPN) rule, which allows LPNs working in long term care settings to serve as clinical instructors of practical nursing students in those settings. In 2020, the National Council of State Boards of Nursing (NCSBN) released recommendations for evidence-based template annual reports. Following the rule's effective date, staff noted that regulation of CRRNs should be consistent with CRLPNs in terms of reporting and faculty oversight. The rules committee agreed, and the board determined it is reasonably necessary to amend this rule to achieve the consistency in regulation.

24.159.625 ESTABLISHMENT OF A NEW PROGRAM (1) and (2) remain the same.

(3) The next step is Phase II, application for initial approval for admission of students. The applicant shall provide the following information to the board:

(a) remains the same.

(b) list of sufficient qualified faculty, CRRNs, CRLPNs, and administrative staff to develop and initiate the program;

(c) through (7) remain the same.

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

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

REASON: See REASON for ARM 24.159.612.

24.159.650 PROGRAM DIRECTOR (1) remains the same.

- (2) The program director is responsible for:
- (a) ensuring that all faculty, CRRNs, CRLPNs, and preceptors meet the requisite qualifications and maintaining current records of those qualifications and performance evaluations;
 - (b) through (3) remain the same.

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

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

REASON: See REASON for ARM 24.159.612.

24.159.655 PROGRAM FACULTY (1) There must be a sufficient number of qualified faculty to meet the purposes and objectives of the program. Faculty includes all nurses employed by the program to provide didactic and/or clinical/laboratory experiences. Clinical resource nurses (CRRNs and CRLPNs) and preceptors are not considered faculty.

(2) through (10) remain the same.

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

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

REASON: See REASON for ARM 24.159.612.

24.159.663 WAIVER OF FACULTY QUALIFICATIONS (1) remains the same.

(2) Programs may employ a maximum of ten percent or ~~two faculty members~~ 2.0 FTE, whichever is greater, based on total faculty FTE, who do not hold a graduate degree in nursing (for registered nurse education programs) or a baccalaureate degree in nursing (for practical nurse education programs). Those individuals shall have no more than five years from the date of employment to obtain the requisite degree.

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

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

REASON: At the October 9, 2019, board meeting, representatives from Great Falls College of MSU requested the board amend this rule. Due to hiring parameters in community colleges, it is easier to hire a part-time faculty member who is also a staff nurse than a full-time faculty member. The board is amending this rule to support the smaller nursing programs when filling faculty roles, especially in specialty areas such as maternal health, care of children, and mental health, while still ensuring quality instructors in these smaller programs.

24.159.910 GENERAL REQUIREMENTS FOR LICENSURE AS MEDICATION AIDE I (1) through (4) remain the same.

(5) ~~Renewal notices will be sent as specified in ARM 24.101.414, which~~ Renewal forms must be completed and returned to the board before the date set by ARM 24.101.413, together with the renewal fee.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-1-141, 37-8-101, 37-8-202, MCA

REASON: In reviewing the rules, staff noted that the division rule on renewal notification, ARM 24.101.414, was repealed in 2015. It is reasonably necessary for the board to strike the erroneous citation from this rule, ARM 24.159.911 and 24.159.1427.

24.159.911 GENERAL REQUIREMENTS FOR LICENSURE AS MEDICATION AIDE II (1) through (3) remain the same.

(4) ~~Renewal notices will be sent as specified in ARM 24.101.414, which~~ Renewal forms must be completed and returned to the board before the date set by ARM 24.101.413, together with the renewal fee.

AUTH: 37-8-426, MCA

IMP: 37-8-423, 37-8-426, MCA

24.159.1011 PROHIBITED INTRAVENOUS (IV) THERAPIES (1) The practical nurse may not perform any of the following IV therapy procedures:

(a) through (e) remain the same.

(f) perform arterial sticks, arterial blood draws, or arterial inline flushes.

(2) remains the same.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

REASON: Board staff is often asked whether ARM 24.159.1011(1)(f) prohibits LPNs from drawing blood or flushing a venous access device. ARM 24.159.1010 clearly provides that practical nurses meeting the education and competency requirements of the rule may draw blood from a venous access device and perform intermittent flushes for line patency maintenance on a venous access device. However, the current language of this rule may be misunderstood to prohibit all blood draws and inline flushes. The rules committee recommended the board amend this rule to clarify that arterial blood draws and arterial inline flushes are prohibited IV therapies and the board is amending the rule accordingly.

24.159.1021 TEMPORARY PRACTICE PERMIT (1) through (3) remain the same.

~~(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. Online verification of licensure from a U.S. board~~

~~of nursing web site may serve as verification for the purpose of issuing a temporary permit. 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) remains the same but is renumbered (4).

AUTH: 37-1-319, 37-8-202, MCA

IMP: 37-1-305, 37-1-319, 37-8-103, MCA

REASON: In 2015, the legislature passed House Bill 115 which enacted federal criminal history background checks for all nursing board applicants. Following the changes, a temporary practice permit for an endorsing nurse applicant has the same requirements as full licensure. Current provisions may mislead applicants to believe there is a quick way to become licensed when that may not be realistic. Board staff requested the rules committee consider these changes to clarify the actual process. The board determined it is reasonably necessary to amend this rule and ARM 24.159.1221 and 24.159.1418 per the committee's recommendations.

24.159.1029 LPN LICENSURE BY EXAMINATION FOR INTERNATIONALLY EDUCATED APPLICANTS (1) An internationally educated applicant for licensure as an LPN by examination shall submit to the board the required fees and a completed application, including the following information:

(a) Results of a credentials review by a board-specified credentials review agency or another board of nursing that verifies the equivalency of the international LPN education program to LPN education programs in the United States;

(b) through (2) remain the same.

AUTH: 37-1-131, 37-8-202, 37-8-415, MCA

IMP: 37-1-131, 37-8-415, 37-8-416, 37-8-418, MCA

REASON: The board received several fraudulent applications in 2018-2019. Once all the applications were reviewed, department staff concluded that credential agencies that both evaluate the education and assess licensure status in the country of education were more robust and produced reports that better assist licensure staff in accurately determining licensure qualifications. Following discussion, the board and department staff selected acceptable credential review agencies that produce more reliable reports while still ensuring the application process remains accessible. The specified agencies are listed on the board's website under the License Information tab.

24.159.1221 TEMPORARY PRACTICE PERMIT (1) through (3) remain the same.

~~(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. Online verification of licensure from a U.S. board of nursing web site may serve as verification for the purpose of issuing a temporary permit. 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) remains the same but is renumbered (4).~~

AUTH: 37-1-319, 37-8-202, MCA

IMP: 37-1-305, 37-1-319, 37-8-103, MCA

REASON: See REASON for ARM 24.159.1021.

24.159.1229 RN LICENSURE BY EXAMINATION FOR INTERNATIONALLY EDUCATED APPLICANTS (1) An internationally educated applicant for licensure as an RN by examination shall submit to the board the required fees and a completed application, including the following information:

(a) Results of a credentials review by a board-specified credentials review agency or another board of nursing that verifies the equivalency of the international RN education program to RN education programs in the United States;

(b) through (2) remain the same.

AUTH: 37-1-131, 37-8-202, 37-8-405, MCA

IMP: 37-1-131, 37-1-134, 37-8-405, 37-8-406, MCA

REASON: See REASON for ARM 24.159.1029.

24.159.1418 LICENSURE BY ENDORSEMENT (1) remains the same.

~~(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.~~

AUTH: 37-1-131, 37-8-202, 37-8-409, MCA

IMP: 37-1-131, 37-1-304, 37-8-409, MCA

REASON: See REASON for ARM 24.159.1021.

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;~~
 - ~~(b) the quality assurance plan has been followed; and~~
 - ~~(c) the national professional organization practice standards and guidelines for appropriate role and population focus have been followed.~~
- (2) and (3) remain the same.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, 37-8-202, MCA

24.159.1463 APPLICATION FOR PRESCRIPTIVE AUTHORITY (1) The APRN seeking prescriptive authority shall submit a completed application and the appropriate fee for prescriptive authority as specified in ARM 24.159.401. There are three options for receiving initial or endorsed prescriptive authority:

~~(2) (a)~~ The APRN seeking prescriptive authority who has graduated from an accredited program in the last five years and does not currently hold prescriptive authority from another board jurisdiction shall submit:

(a) through (c) remain the same but are renumbered (i) through (iii).

~~(3) (b)~~ The APRN seeking prescriptive authority who has graduated more than five years ago from an accredited program and does not currently hold prescriptive authority from another board jurisdiction must complete either a graduate level course of three semester credits or 45 contact hours of continuing education in the past five years that includes instruction in pharmacodynamics, pharmacokinetics, and pharmacotherapeutics of all broad categories of agents.

(4) remains the same but is renumbered (c).

(5) and (6) remain the same but are renumbered (2) and (3).

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

REASON: Board staff consistently receives questions regarding prescriptive authority applications and qualifications. It is therefore reasonably necessary for the board to amend this rule to address the confusion by clarifying the three options available for APRNs to obtain prescriptive authority in Montana.

24.159.1464 PRESCRIBING PRACTICES (1) through (6) remain the same.

(7) An APRN with prescriptive authority may not delegate the prescribing or dispensing of drugs to any other person unless delegating to a pharmacist through a collaborative pharmacy practice agreement as defined in 37-7-101, MCA.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

REASON: Board staff receive multiple inquiries regarding if APRNs can establish collaborative practice agreements with pharmacists. After reviewing the rules, staff

noted that this rule appears to be the only one limiting an APRN from establishing a collaborative pharmacy practice agreement. The board determined it is reasonably necessary to amend this rule to clarify that APRNs with prescriptive authority may delegate to pharmacists under such an agreement.

24.159.1469 APRN COMPETENCE DEVELOPMENT (1) through (1)(b) remain the same.

~~(i) (ii)~~ For the APRN who holds prescriptive authority, ~~12 of the 24~~ half of the contact hours must be in pharmacotherapeutics, where no more than two of these contact hours may concern the study of herbal or complementary therapies.

~~(ii) (i)~~ At renewal, ~~APRN licensees licensed by examination less than one full year are not required to complete the 24 contact hours.~~ APRN licensees licensed by ~~examination at least one year, but less than two full years,~~ shall complete one contact hour per month licensed ~~one-half of the credit required for renewal.~~

(c) remains the same.

AUTH: 37-1-131, 37-1-319, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, 37-8-409, MCA

REASON: The board is amending this rule to address confusion and questions that consistently come to board staff and make the rule easier to follow. Further, it is reasonably necessary to amend this rule to align these standards with the prorating of CE contact hours for RNs and LPNs in ARM 24.159.2102.

24.159.1601 PURPOSE (1) remains the same.

(a) serve as a standard for nurses who delegate to an ~~unlicensed~~ assistive person (~~UAP~~ AP); and

(b) remains the same.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

REASON: See REASON for ARM 24.159.301.

24.159.1611 CRITERIA FOR DELEGATION OF NURSING TASKS

(1) and (2) remain the same.

(3) Delegation of a nursing task to a ~~UAP~~ an AP shall be based solely on the determination of the patient's nurse, who has personally assessed the patient's condition, so that delegation can be performed without jeopardizing the patient's welfare.

(4) and (5) remain the same.

(a) that the ~~UAP~~ AP has the education and demonstrated competency to perform the delegated task;

(b) the task delegated is consistent with the ~~UAP's~~ AP's job description;

(c) patient needs match the ~~UAP's~~ AP's qualifications, available resources, and appropriate supervision;

(d) through (g) remain the same.

(h) for delegation of a routine task on stable patients, there is verification that the ~~UAP~~ AP follows each written facility policy or procedure when performing the delegated task;

(i) through (6) remain the same.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

REASON: See REASON for ARM 24.159.301.

24.159.1625 GENERAL NURSING FUNCTIONS AND TASKS THAT MAY NOT BE DELEGATED (1) remains the same.

(2) A nurse may not delegate to a ~~UAP~~ an AP the authority to receive verbal orders from providers.

(3) A nurse may not delegate to a ~~UAP~~ an AP the task of teaching or counseling patients or a patient's family relating to nursing and nursing services.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

REASON: See REASON for ARM 24.159.301.

24.159.2301 CONDUCT OF NURSES (1) through (1)(b) remain the same.

(c) All nurses are required to report unprofessional conduct of nurses to the board. ~~The board does not accept anonymous complaints.~~

(2) remains the same.

AUTH: 37-1-319, 37-8-202, MCA

IMP: 37-1-316, 37-1-319, 37-8-202, MCA

REASON: The board is one of only a handful of boards in Montana that prohibits anonymous complaints by rule. However, standardized department complaint procedure provides that staff may review information received from an anonymous source to determine whether to proceed with a complaint. Department staff recommends the board remove this prohibition from its rules to utilize the standard procedures and better allow the board to fulfill its mission of public protection when receiving unprofessional conduct allegations.

5. The rules proposed to be repealed are as follows:

24.159.1023 GROUNDS FOR DENIAL OF A LICENSE

AUTH: 37-1-136, 37-8-202, MCA

IMP: 37-1-136, 37-1-137, 37-1-316, MCA

REASON: On May 15, 2021, the board amended ARM 24.159.403 and adopted 24.159.413 and 24.159.414 to implement a standardized division-wide procedure for

processing nonroutine licensure applications. The board is now repealing this rule and ARM 24.101.1223 and 24.159.1416 as unnecessary because the new rules and procedure adequately address grounds for license denial.

24.159.1223 GROUNDS FOR DENIAL OF A LICENSE

AUTH: 37-1-136, 37-8-202, MCA

IMP: 37-1-136, 37-1-137, 37-1-316, MCA

24.159.1416 GROUNDS FOR DENIAL OF A LICENSE

AUTH: 37-1-136, 37-8-202, MCA

IMP: 37-1-136, 37-1-137, 37-1-316, MCA

6. 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., July 9, 2021.

7. An electronic copy of this notice of public hearing is available at <http://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.

8. 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.

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

10. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.159.301, 24.159.401, 24.159.416, 24.159.502, 24.159.604, 24.159.612, 24.159.625, 24.159.650, 24.159.655, 24.159.663, 24.159.910, 24.159.911, 24.159.1011, 24.159.1021, 24.159.1029, 24.159.1221, 24.159.1229, 24.159.1418, 24.159.1427, 24.159.1463, 24.159.1464, 24.159.1469,

24.159.1601, 24.159.1611, 24.159.1625, and 24.159.2301 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.159.1023, 24.159.1223, and 24.159.1416 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations 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.

11. 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/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 1, 2021.