



**MONTANA
ADMINISTRATIVE
REGISTER**

**BOARD OF NURSING
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF ADOPTION

MAR NOTICE NO. 2026-114.2

Summary

Amending rules on education and unprofessional conduct pertaining to the Board of Nursing

Previous Notice(s) and Hearing Information

On August 7, 2026, the Board of Nursing (agency) published MAR Notice No. 2026-114.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2026 Montana Administrative Register, Issue No. 15.

On August 27, 2026, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective September 26, 2026

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.159.424) PROVISIONAL LICENSE

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

24.159.301 DEFINITIONS

24.159.604 PROGRAM STANDARDS

24.159.605 ORGANIZATION AND ADMINISTRATION OF PROGRAMS

24.159.606 EDUCATIONAL FACILITIES FOR PROGRAMS

24.159.608 PLACEMENT OF AN OUT-OF-STATE NURSING STUDENT IN A MONTANA CLINICAL PRACTICE SETTING

24.159.609 PROGRAM EVALUATION

24.159.611 PROGRAM CLOSURE AND RECORDS STORAGE

24.159.612 PROGRAM ANNUAL REPORT

24.159.625 ESTABLISHMENT OF A NEW PROGRAM

24.159.630 CONTINUED APPROVAL OF PROGRAMS

24.159.632 PROGRAM SURVEYS

24.159.635 REQUIREMENTS FOR REPORTING SUBSTANTIVE CHANGES

24.159.640 CONDITIONAL APPROVAL, WITHDRAWAL OF APPROVAL, OR DENIAL

24.159.650 PROGRAM DIRECTOR

24.159.655 NURSING INSTRUCTIONAL PERSONNEL

24.159.665 CLINICAL PRECEPTORS

24.159.670 CURRICULUM GOALS AND GENERAL REQUIREMENTS FOR PROGRAMS

24.159.915 STANDARDS RELATED TO THE RESPONSIBILITIES OF A MEDICATION AIDE I

24.159.916 STANDARDS RELATED TO THE RESPONSIBILITIES OF A MEDICATION AIDE II

24.159.1010 STANDARDS RELATED TO INTRAVENOUS (IV) THERAPY

24.159.2301 CONDUCT OF NURSES

AMEND WITH CHANGES

The agency has amended the following rule with the following changes from the original proposal, stricken matter interlined, new matter underlined:

24.159.422 LPN AND RN APPLICATIONS

- (1) In addition to the requirements of ARM 24.159.420, an applicant for LPN or RN licensure must provide:
 - (a) license verification and, if not in English, a certified translation, from the state, territory, or country in which the applicant holds now, or has held previously, any professional license or credential; and
 - (b) detailed explanation and supporting documentation for each affirmative answer to background questions on application.
- (2) Endorsement applicants for LPN or RN licensure must currently hold the same license in good standing in another state, territory, or country.
- (3) Examination applicants for LPN or RN licensure by examination must transmit:
 - (a) proof of educational attainment:
 - (i) an official transcript, sent to the board directly from the educational institution, verifying date of graduation and degree or credential conferred; or
 - (ii) if educated internationally, 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 or RN education program to LPN or RN education programs in the United States; and
 - (b) proof of successful passage of NCLEX-PN or NCLEX-RN, completed in English, as applicable:
 - (i) applicants must complete all educational requirements and the board must receive all credential prior to determining the applicant eligible to test; and
 - (ii) candidates failing the examination are not eligible to retest for a period determined by the testing entity and must submit an examination retake fee.
- (4) Applicants for LPN or RN licensure, if a graduate of an international prelicensure education program not taught in English or if English is not the individual's native language, must successfully pass ~~an~~ a board-specified English proficiency examination that includes the components of reading, speaking, writing, and listening.

Authorizing statute(s): 37-1-131, 37-1-141, 37-8-202, 37-8-405, 37-8-415, MCA

Implementing statute(s): 37-1-131, 37-1-134, 37-1-141, 37-8-202, 37-8-405, 37-8-406, 37-8-409, 37-8-415, 37-8-416, 37-8-418, MCA

REPEAL

The agency has repealed the following rules as proposed:

24.159.659 FACULTY FOR REGISTERED NURSING PROGRAMS

24.159.662 FACULTY FOR PRACTICAL NURSING PROGRAMS

24.159.663 WAIVER OF FACULTY QUALIFICATIONS

24.159.666 USE OF CLINICAL RESOURCE REGISTERED NURSES (CRRNS)

24.159.667 USE OF CLINICAL RESOURCE LICENSED PRACTICAL NURSES (CRLPN)

24.159.1021 TEMPORARY PRACTICE PERMIT

24.159.1221 TEMPORARY PRACTICE PERMIT

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: One comment was received which recommended authorizing the board to approve the English proficiency examinations required for licensure under the proposed amendment to ARM 24.159.422(4). The proposed change clarifies that an examination used for licensure must meet board-established standards, rather than relying on an exam for which the validity has not been evaluated and to ensure review of examinations occurs.

Response 1: The board appreciates and agrees with the comment. The amendment as noticed requires applicants described in ARM 24.159.422(4) to pass an English proficiency examination that includes reading, speaking, writing, and listening components. The board will adopt the commenter's proposed clarification by revising ARM 24.159.422(4) to require a board-specified English proficiency examination. The added language clarifies that the board will identify examinations acceptable for satisfying this licensure requirement.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Russ Motschenbacher, RN, Presiding Officer, Board of Nursing