

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.159.670, 24.159.1468, and) PROPOSED AMENDMENT AND
24.159.1469 and the repeal of ARM) REPEAL
24.159.2101, 24.159.2102,)
24.159.2104, and 24.159.2106)
pertaining to continuing education)

TO: All Concerned Persons

1. On July 21, 2023, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed changes to 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/83044151431>
Meeting ID: 830 4415 1431, Passcode: 246655
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 830 4415 1431, Passcode: 246655

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 department no later than 5:00 p.m., on July 14, 2023, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail laborlegal@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

24.159.670 CURRICULUM GOALS AND GENERAL REQUIREMENTS FOR PROGRAMS (1) through (5) remain the same.

(6) For each ~~course~~ program utilizing simulation, no more than 50 percent of clinical hours shall be replaced with simulation hours. Upon request by a program, the board may temporarily allow all programs to exceed the 50 percent cap on simulation due to extenuating circumstances such as a state or national emergency.

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

REASON: The board has previously defined simulation in 2019 in ARM 24.159.301, required faculty training in simulation best practices in ARM 24.159.655, and capped the amount of simulation to no more than 50 percent of clinical hours per course in

this rule. When the pandemic hit and students were not allowed into clinical facilities, the board amended this rule to allow programs to exceed the 50 percent cap due to extenuating circumstances and also implemented a waiver that allowed all programs to exceed the 50 percent cap through June 30, 2022.

Because prelicensure programs in Montana continue to report intermittent difficulties with specialty clinical access, especially in areas of pediatrics and obstetrics, the board is amending this rule to allow programs the flexibility to address clinical access shortages over the duration of the program rather than by course. This change will allow nursing students to complete their educational requirements and will make Montana's requirements consistent with the evidence-based National Council of State Boards of Nursing Model Rules for Simulation. Additionally, since the board has not seen an increase in competency-related complaints since the implementation of the 2020 waiver, especially among new graduates and in the areas of obstetrics and pediatrics, the board does not anticipate a risk to public safety from these changes.

24.159.1468 PRESCRIPTIVE AUTHORITY RENEWAL (1) remains the same.

(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 12 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; and~~

~~(c) these contact hours can be used to satisfy 12 of the required 24 contact hours to renew the APRN license.~~

(3) remains the same.

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

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

REASON: In 2019, stakeholders asked the Board of Nursing (board) to consider expanding options for continuing education (CE). The board formed a task force to review this request in 2020, and due to the waiver of CE requirements for 2020 and 2021, put the discussion on hold to address more pressing pandemic related issues. The board has not seen an increase in complaints related to incompetent practice since the board began reviewing CE options.

Because the board's professional conduct rule requires nurses to be technically competent, nurses should be able to choose educational offerings that support their professional development without specific board-prescribed requirements. The board determined it is reasonably necessary to amend this rule and ARM 24.159.1469, and repeal ARM 24.159.2101, 24.159.2102, 24.159.2104, and 24.159.2106 to lessen CE requirements for maintaining licensure while still ensuring competent practice and maintaining the public's protection. These changes also support the Governor's Red Tape Relief initiative by reducing unnecessarily burdensome regulations.

24.159.1469 APRN COMPETENCE DEVELOPMENT (1) The APRN is expected to engage in ongoing competence development. Competence development is the method by which an APRN gains, maintains, or refines practice, knowledge, skills, and abilities. This development can occur through formal education programs, continuing education, or clinical practice and is expected to continue throughout the APRN's career. Documentation of competence development activities should be retained by the APRN for a minimum of five years and must be made available to the board upon request. The APRN must:

(a) remains the same.

~~(b) complete 24 contact hours of continuing education during each two-year license renewal period as stated in ARM Title 24, subchapter 21, Renewals and Continuing Education; and~~

~~(i) At renewal, APRN licensees licensed less than two full years shall complete one contact hour per month licensed.~~

~~(ii) For the APRN who holds prescriptive authority, 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.~~

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

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

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

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

24.159.2101 STANDARDS FOR CONTINUING EDUCATION

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

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

24.159.2102 BIENNIAL CONTINUING EDUCATION REQUIREMENTS

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

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

24.159.2104 NONACCREDITED ACTIVITIES

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

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

24.159.2106 AUDITING OF CONTACT HOURS

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

IMP: 37-1-131, 37-1-306, 37-1-319, 37-1-321, MCA

5. Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules

or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., July 21, 2023.

6. An electronic copy of this notice of public hearing is available at dli.mt.gov/rules and sosmt.gov/ARM/register.

7. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728; Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

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

9. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

10. Department staff has been designated to preside over and conduct this hearing.

BOARD OF NURSING
SARAH SPANGLER, RN, 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 13, 2023.