

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

In the matter of the amendment of)
ARM 24.159.632, 24.159.659, and)
24.159.663 pertaining to the Board of)
Nursing)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On July 19, 2024, at 11:00 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/86881837782>
Meeting ID: 868 8183 7782, Passcode: 461831
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 868 8183 7782, Passcode: 461831

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 12, 2024, 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:

24.159.632 PROGRAM SURVEYS (1) To ensure ongoing compliance with the board's statutes and rules, those approved programs not accredited by a national nursing accreditation agency recognized by the U.S. Department of Education must be surveyed onsite and reevaluated for continued approval at least every five years. Each time a program survey is performed, the entire program is evaluated for all components under board jurisdiction. For schools with RN and PN programs for which only the RN program holds national nursing accreditation from an agency recognized by the U.S. Department of Education, PN program continued approval will be contingent upon the RN program accreditation visits and reports and an onsite survey at least every five years will not be required.

(2) through (6) remain the same.

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

REASON: Over the past year, all four practical nursing programs in Montana have reached out to inquire about their next PN program onsite survey; three of the four have RN programs that have become accredited in the past few years. PN programs have the same administration including policies and procedures as the RN programs, so board evaluation would for the most part be duplicative of the accreditors' evaluations. PN programs in Montana have historically had excellent NCLEX-PN pass rates, which are one objective metric that demonstrates efficacy of program curricula. Requiring a board onsite survey in addition to the accreditation visit already conducted of the RN program would increase administrative burdens on nursing programs without translating to higher public protection.

24.159.659 FACULTY FOR REGISTERED NURSING PROGRAMS

(1) through (1)(b) remain the same.

(c) except as otherwise provided in these rules, hold at least a graduate degree ~~in nursing~~ from a nationally accredited program.

(2) The majority of the faculty members of a registered nursing program shall hold a graduate degree with a major in nursing. If the graduate degree is not in nursing, the faculty member shall hold a minimum of a baccalaureate degree in nursing or, in the case of interprofessional faculty teaching non-clinical nursing courses, advanced preparation appropriate to the content being taught.

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

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

REASON: According to the Status of the Nursing Workforce in Montana report released in October 2023 by the Montana Department of Labor and Industry, Montana's number of RNs with a graduate degree is just over half of the U.S. average (13% of Montana RNs hold a master's or doctorate in nursing; 21% of U.S. RNs hold a graduate degree in nursing). This shortage of faculty prepared in accordance with Montana's current rule can create difficulty for Montana nursing programs to even find qualified faculty and the current rule can create an unnecessary burden on these programs by causing them to pass up otherwise qualified nurses who are graduate prepared in related studies.

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

(2) Programs may employ a maximum of ten percent or 2.0 FTE of faculty, whichever is greater, based on total faculty FTE, who do not hold a graduate degree ~~in nursing (for registered nurse education programs)~~ as required in ARM 24.159.659 or a baccalaureate degree in nursing ~~(for practical nurse education programs)~~ as required in ARM 24.159.662. 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: See reason for ARM 24.159.659.

4. 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 19, 2024.

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

6. 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.

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

8. 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.

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

BOARD OF NURSING
SARAH SPANGLER, RN, PRESIDENT

/s/ JENNIFER STALLKAMP
Jennifer Stallkamp
Rule Reviewer

/s/ SARAH SWANSON
Sarah Swanson, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 11, 2024.