

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

In the matter of the amendment of) CORRECTED NOTICE OF
ARM 24.159.301 definitions) AMENDMENT

TO: All Concerned Persons

1. On February 14, 2008 the Department of Labor and Industry published MAR Notice No. 24-159-70 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 279 of the 2008 Montana Administrative Register, Issue Number 3. On August 14, 2008 the department published the notice of amendment at page 1709 of the 2008 Montana Administrative Register, Issue Number 15. On May 8, 2008 the Department of Labor and Industry published MAR Notice No. 24-159-71 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 875 of the 2008 Montana Administrative Register, Issue Number 9. On November 11, 2008 the department published the notice of amendment at page 2346 of the 2008 Montana Administrative Register, Issue Number 21.

2. MAR Notice No. 24-159-71 was proposed before MAR Notice No. 24-159-70 was adopted. The adoption notice for MAR Notice No. 24-159-71 inadvertently did not reflect the renumbering that took effect with the adoption of MAR Notice No. 24-159-70. The changes are nonsubstantive and are only reconciling numbering between MAR Notice No. 24-159-71 and 24-159-70 for usability. Additionally, this will correct numbering in MAR Notice No. 24-159-70 adoption notice. Section (9) should have been renumbered (4) in the adoption notice when "Nursing assessment" changed to "Comprehensive nursing assessment." The rule, as amended in corrected form, is shown in its entirety as it is now numbered as follows:

24.159.301 DEFINITIONS As used in Title 37, chapter 8, MCA, and this chapter, unless defined specifically in a particular subchapter, the following definitions apply:

(1) "Accrediting organization" means a professional organization, which has been approved by the board, that establishes standards and criteria for continuing education programs in nursing, advanced nursing, medicine, and other health care specialties.

(2) "Advanced practice registered nurse" or "APRN" means a registered nurse licensed by the board to practice as an advanced practice registered nurse pursuant to 37-8-202, MCA, and ARM 24.159.1414. Four types of APRNs are recognized by Montana law:

- (a) nurse practitioner (NP);
 - (b) certified nurse midwife (CNM);
 - (c) certified registered nurse anesthetist (CRNA); and
 - (d) clinical nurse specialist (CNS).
- (3) "Board" means the Montana Board of Nursing.

(4) "Certifying body" means a national certifying organization that has been approved by the board to use psychometrically sound and legally defensible examinations for certification of APRN specialties.

(5) "Charge nurse" means the nurse who is in charge of patient and/or resident care during a nursing shift. An LPN may serve as a charge nurse in the absence of an RN in a long term care facility, pursuant to 37-8-102, MCA.

(6) "Competency" means performing skillfully and proficiently the functions that are within the role of the licensee; and, demonstrating the interrelationship of essential knowledge, judgment, and skills.

(7) "Comprehensive nursing assessment" means a systematic collection of data conducted by an RN to determine the patient's health status and to identify any actual or potential health problems.

(8) "Contact hour" means the time period of instruction determined by the continuing education provider and indicated on the participant's certificate of completion. One academic semester credit equals 15 contact hours; one academic quarter credit equals 12.5 contact hours.

(9) "Continuing education" means a planned learning activity that occurs in a classroom, on-line, audio-conference, video-conference, or as independent study. All continuing education must be approved by an accrediting organization or provided by an academic institution of higher learning, an APRN certifying body, or a continuing education accrediting organization.

(10) "Department" means the Department of Labor and Industry as provided for in Title 2, chapter 15, part 17, MCA.

(11) "Direction" means a communication of a plan of care based upon assessment of a patient by a registered nurse or a licensed independent health care provider pursuant to 37-8-102, MCA, that sets forth the parameters for the provision of care or for the performance of a procedure.

(12) "Direct supervision" means the supervisor is on the premises, and is quickly and easily available.

(13) "Drug" means a substance defined by 37-7-101, MCA.

(14) "Focused nursing assessment" is conducted by a licensed practical nurse and is an appraisal of an individual's status and situation at hand, contributing to the comprehensive assessment by the registered nurse, supporting ongoing data collection, deciding who needs to be informed of the information, and when to inform.

(15) "Health team" means a group of health care providers which may, in addition to health care practitioners, include the client, family, and significant others.

(16) "Immediate supervision" means the supervisor is on the premises and is within audible and visual range of the patient.

(17) "National professional organization" means a board-recognized professional nursing membership organization that delineates scope of practice standards and guidelines for an APRN specialty.

(18) "Nursing procedures" means those nursing actions selected and performed in the delivery of safe and effective patient/client care.

(19) "Nursing process" means the traditional systematic method nurses use when they provide:

(a) nursing care including assessment;

- (b) nursing analysis;
- (c) planning;
- (d) nursing intervention; and
- (e) evaluation.

(20) "Peer review" means the process of evaluating the practice of nursing, conducted by a peer-reviewer.

(21) "Peer-reviewer" means a licensed APRN or physician whose credentials and practice encompass the APRN's scope and type of practice setting. The peer-reviewer may be a consultant working for a professional peer review organization.

(22) "Practical nurse" means the same thing as "licensed practical nurse," "PN," and "LPN" unless the context of the rule dictates otherwise. The practice of practical nursing is defined at 37-8-102, MCA.

(23) "Preceptorship" means practical training in the specialized area of APRN practice for which the applicant seeks licensure by the board.

(24) "Prescribing" means specifying advanced nursing intervention(s) intended to implement the defined strategy of care.

(25) "Prescription" means an order for a drug, as defined by 37-7-101, MCA, or any medicine, devices, or treatments.

(26) "PRN medication" ("pro re nata," Latin for "according as circumstances may require") means medication taken as necessary for the specific reason stated in the medication order, together with specific instructions for its use.

(27) "Registered nurse" means the same thing as "RN" and "professional nurse" unless the context of the rule dictates otherwise. The practice of professional nursing is defined at 37-8-102, MCA.

(28) "Routine medication" means medication taken regularly at the same time each day using the same route, or on the same days of the week, at the same time, using the same route.

(29) "Standard" means an authoritative statement by which the board can judge the quality of nursing education or practice.

(30) "Standardized procedures" means routinely executed nursing actions for which there is an established level of knowledge and skill.

(31) "Strategy of care" means the goal-oriented plan developed to assist individuals or groups to achieve optimum health potential. This includes initiating and maintaining comfort measures, promoting and supporting human functions and responses, establishing an environment conducive to well being, providing health counseling and teaching, and collaborating on certain aspects of the medical regimen including but not limited to the administration of medications and treatments.

(32) "Supervision" or "general supervision" means provision of guidance by a qualified nurse or a person specified in 37-8-102, MCA, for the accomplishment of a nursing task or activity with initial direction of the task or activity and periodic inspection of the actual act of accomplishing the task or activity.

(33) "Supervisor" means the health care professional identified by these rules as the person qualified to supervise another in the performance of nursing procedures and care.

BOARD OF NURSING
SUSAN RAPH, RN, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State December 15, 2008.