

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

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 24.159.301 and 24.159.2104) AMENDMENT
pertaining to continuing education)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On January 23, 2017, the Board of Nursing (board) proposes to amend the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., on January 13, 2017, to advise us of the nature of the accommodation that you need. Please contact Cynthia Gustafson, 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 STATEMENT OF REASONABLE NECESSITY: At the July 20, 2016, meeting, the Board of Nursing (board) formed a subcommittee to review board rules per a request from the Montana Nurses Association. Following the request to update the rules to match national standards for continuing nursing education as set by the American Nurses Credentialing Commission, the subcommittee met September 14, 2016, and recommended several changes to the board. The board determined it is reasonably necessary to amend two administrative rules to align with current standards in nursing continuing education.

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

24.159.301 DEFINITIONS (1) "Accrediting organization" means a professional organization that establishes standards and criteria for continuing education programs ~~in nursing, advanced practice nursing, medicine, and other health care specialties.~~

(2) and (3) remain the same.

(4) "Certifying body" means a board-recognized national certifying organization that ~~has been approved by the board to use~~ uses psychometrically sound and legally defensible examinations for certification in APRN roles and population focus.

(5) through (19) remain the same.

(20) "National accreditation" means the ongoing review, evaluation, and approval of nursing education programs by ~~the National League for Nursing Accrediting Commission (NLNAC) or the Commission on Collegiate Nursing Education (CCNE)~~ a national nursing accrediting agency that is recognized by the U.S. Department of Education. Nursing education programs without national accreditation are nonaccredited programs.

(21) through (46) remain 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: Based on a recent review of these definitions, the board is amending three definitions to increase opportunities for licensees to select from a wider variety of appropriate continuing education offerings. The board further determined it is reasonably necessary to amend (20) to keep current with the changing field of accrediting bodies which are approved by the U.S. Department of Education. Instead of listing individual accrediting agencies, the board is amending this rule to accept those agencies that are recognized by the U.S. Department of Education.

24.159.2104 NONACCREDITED ACTIVITIES (1) The following activities may not be used by a licensee to satisfy the continuing education requirements set forth in this chapter:

- ~~(a) classes in basic life support, first aid, or cardiopulmonary resuscitation;~~
- ~~(b) repetition of a continuing education class with identical content and course objectives within a single renewal period;~~
- ~~(c) agency-specific orientation or in-service program designed for work at a specific institution or for a specific employer that teaches and tests for skill competency or addresses institution-based or employer-based standards of nursing practice;~~
- ~~(d) personal development activity that educates individuals on topics pertaining to financial management, personal hygiene or beautification, personal conduct, or other topics that do not pertain to the practice of nursing or healthcare;~~
- (e) through (i) remain the same but are renumbered (a) through (e).

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

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

REASON: The board determined it is reasonably necessary to amend this rule to broaden continuing education options available to licensees. The American Nurses Credentialing Commission (ANCC) recently found that courses in basic life support, first aid, or cardiopulmonary resuscitation can be critical components of nursing practice that require review and study each year. Repetition of continuing education courses in clinical settings helps to ensure clinical competency. The ANCC also found that agency-specific educational programs for nurses in work settings are essential learning opportunities for competency. Finally, the board is amending this rule to allow personal development activities previously unaccredited because many examples were provided to the board showing the importance of these types of

continuing education offerings in the wide spectrum of settings and positions nurses hold in today's healthcare environment.

5. Concerned persons may submit their data, views, or arguments concerning the proposed amendment in writing 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, to be received no later than 5:00 p.m., January 20, 2017.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Cynthia Gustafson at the above address no later than 5:00 p.m., January 20, 2017.

7. If the board receives requests for a public hearing on the proposed amendment from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 1,946 persons based on 19,457 active licensed nurses.

8. An electronic copy of this notice is available at www.nurse.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

9. 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.

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

11. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.159.301 and 24.159.2104 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination 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 e-mail nurse@mt.gov.

BOARD OF NURSING
N. GREG KOHN, PRESIDENT

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State December 12, 2016