

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 8.32.416, 8.32.425, 8.32.1501,) AND ADOPTION
and the adoption of NEW RULE I)
(8.32.307A) related to licensure,)
fees, prescriptive authority, and)
psychiatric-mental health)
practitioner practice)

TO: All Concerned Persons

1. On July 17, 2003, the Board of Nursing published MAR Notice No. 8-32-59 regarding the public hearing on the proposed amendment and adoption of the above-stated rules relating to licensure, fees, prescriptive authority, and psychiatric-mental health practitioner practice at page 1439 of the 2003 Montana Administrative Register, issue no. 13.

2. On August 7, 2003, a public hearing on the proposed amendment and adoption of the above-stated rules was conducted in Helena. Public comments were made at the hearing. Written comments were also received.

3. The Board of Nursing (Board) has thoroughly considered all of the comments received. A summary of the comments and the Board's responses are as follows:

GENERAL COMMENTS:

Comment 1: Susan Bodurtha, an employee of the State Hospital but speaking only on behalf of herself, supported the proposed rule changes and expressed appreciation that the Board listened to concerned persons when the proposed rule amendments and proposed new rule were being drafted.

Response 1: The Board acknowledges the comments.

Comment 2: Sharon R. Androes, CNS, Psychiatric Mental Health, expressed appreciation for the Board's work on the psychiatric mental health issue and willingness to reconsider its previous position.

Response 2: The Board acknowledges the comment.

Comment 3: Eleanor Patty Lavin, CNS, Psychiatric Mental Health, suggests there is a typographical error in New Rule I in the word "analogous".

Response 3: In reviewing NEW RULE I, the Board notes that the word "analogous" is not contained in the actual text of that rule but only in the statement of reasonable necessity which

will not be a part of the published rule. Thus, if there were a typographical error in the word, no remedial action would be required.

ARM 8.32.416 VERIFICATION OF LICENSURE

Comment 4: Todd Thun, on behalf of the Montana Nurses Association (MNA), expressed support for the proposed amendment of ARM 8.32.416 as a reasonable step to maximize efficiency in the licensing process.

Response 4: The Board agrees with the comment.

ARM 8.32.425 FEES

Comment 5: Todd Thun, on behalf of MNA, expressed support for the proposed amendment of ARM 8.32.425 as a reasonable step to keep pace with business operating costs.

Response 5: The Board agrees with the comment.

ARM 8.32.1501 PRESCRIPTIVE AUTHORITY FOR ELIGIBLE APRNS

Comment 6: Mr. Thun, on behalf of MNA, expressed support for elimination of the sunset provision for prescriptive authority in ARM 8.32.1501 but opposition to the continued exclusion of nonpsychiatric CNSs from prescriptive authority eligibility. He stated that MNA believes alternatives exist to facilitate transition of the CNS programs to accommodate the needs for pharmacological education. MNA believes the exclusion limits innovation in meeting the health care needs of our rural state.

Response 6: The Board agrees with the comment relating to elimination of the sunset provision. The Board remains open to revisiting the issue of prescriptive authority for nonpsychiatric CNSs at such time as their national certification training includes appropriate pharmacological education and when the national certification examination for nonpsychiatric CNSs tests candidates' minimum competency in pharmacotherapeutics and the integration of pharmacotherapeutics into patient care. By way of contrast, the Board notes that the national certification training for psychiatric CNSs and for psychiatric NPs includes pharmacology education and their national certification examination tests minimum competence in pharmacotherapeutics and the integration of pharmacotherapeutics into patient care.

The only Board-approved national certifying body for CNSs is the American Nurses Credentialing Center (ANCC). If ANCC were to include appropriate pharmacology training in its national certification training for nonpsychiatric CNSs and test for minimum competence in pharmacotherapeutics and the integration of pharmacotherapeutics into patient care and/or if it were to offer a "bridge" program for currently certified CNSs who wish to obtain the additional training in pharmacology and be tested

and nationally certified in pharmacotherapeutics and the integration of pharmacotherapeutics into patient care, the Board would revisit the issue of prescriptive authority for nonpsychiatric CNSs at that time, or at any time when evolution of the national certification training and national certification exam for CNSs warrants further review.

Comment 7: Eleanor Patty Lavin, CNS, Psychiatric Mental Health, asked why there continues to be a distinction between psychiatric mental health nurse practitioners and clinical nurse specialists as she believes they have the same practice.

Response 7: See Response 6 to Comment 6.

Comment 8: Dana Hillyer, CNS, Psychiatric Mental Health, expressed support for the deletion of the sunset date for prescriptive authority for psychiatric mental health clinical nurse specialists. Ms. Hillyer disagrees with the board's exclusion of non-psychiatric mental health clinical nurse specialists from prescriptive authority eligibility. She would support prescriptive authority for all CNS practice provided that the requirements for that authority can be demonstrated. Ms. Hillyer noted graduate nursing education programs are constantly evolving to include core coursework in graduate level health assessment, pharmacology, pathophysiology, and health promotion and disease prevention with integrated clinical practice. She believes denial of prescriptive authority to CNSs falsely suggests there are two levels of APRN practice, one more advanced than the other.

Response 8: See Response 6 to Comment 6.

Comment 9: The American Psychiatric Nurses Association (APNA) supports the deletion of the sunset date.

Response 9: The Board agrees with the propriety of eliminating the sunset date.

Comment 10: Linda Torma, CNS, believes an APRN who can meet previous prescriptive authority requirements should be granted prescriptive authority and that excluding non-psych CNSs from prescriptive authority leaves all APRNs vulnerable to practice limitations.

Response 10: See Response 6 to Comment 6.

NEW RULE I (8.32.307A) PSYCHIATRIC-MENTAL HEALTH PRACTITIONER PRACTICE

Comment 11: Todd Thun, on behalf of the MNA, expressed support for NEW RULE I's clarification of the two paths for APRN practice in psychiatric mental health.

Response 11: The Board agrees that NEW RULE I (ARM 8.32.307A)

clarifies the two paths for APRN practice in psychiatric mental health.

Comment 12: The American Psychiatric Nurses Association (APNA) supports NEW RULE I in that it defines and clarifies psychiatric mental health practice. The APNA expressed that the last sentence in (1) should be changed to read: "Advanced Practice Psychiatric Mental Health Nursing" etc., in order to eliminate the confusion associated with the word practitioner.

Response 12: The Board believes NEW RULE I, read as a whole, is clear.

Comment 13: Dana Hillyer, CNS, Psychiatric Mental Health, supports new rule I because it defines and clarifies psychiatric mental health nursing practice but believes the last sentence of (1) in the new rule is confusing and should be changed to say that the advanced practice of psychiatric mental health nurse practitioners and psychiatric mental health clinical nurse specialists includes, etc.

Response 13: The Board believes NEW RULE I, read as a whole, is clear.

4. After considering the comments, the Board has amended ARM 8.32.416, 8.32.425, and 8.32.1501 exactly as proposed.

5. After considering the comments, the Board adopted NEW RULE I (8.32.307A) exactly as proposed.

BOARD OF NURSING
KIM POWELL, RN, CHAIRMAN

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State December 15, 2003.