

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

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 8.32.302 and ) ON PROPOSED AMENDMENT  
8.32.409, relating to )  
re-certification of nurse )  
midwives and authorized )  
signatures on nurses' licenses)

TO: All Concerned Persons

1. On October 2, 2003, at 10:00 a.m., a public hearing will be held in room 438 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or who need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Nursing no later than 5:00 p.m., September 25, 2003, to advise us of the nature of the accommodation that you need. Please contact Jill Caldwell, Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2342; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2343; e-mail dlibsdnur@state.mt.us.

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

8.32.302 NURSE-MIDWIFERY PRACTICE (1) Nurse-midwifery practice means the independent management of care of essentially normal newborns and women, antepartally, intrapartally, postpartally and/or gynecologically. This occurs within a health care system that provides for medical consultation, collaborative management, and referral, ~~and is in accord with the Standards for the Practice of Nurse-Midwifery, 1993 as defined by the American College of Nurse-Midwives, which is hereby incorporated by reference. Copies may be obtained from the American College of Nurse-Midwives at 818 Connecticut Ave. NW, Suite 900, Washington, DC 20006.~~

(2) Effective December 31, 2004, all licensed certified nurse midwives shall be enrolled in either the certification maintenance program or the continuing competency assessment program through the American College of Nurse Midwives. The mailing address for the American College of Nurse Midwives is 818 Connecticut Avenue, NW, Suite 900, Washington, DC 20006; Phone: (202) 728-9860; Web: [www.midwife.org](http://www.midwife.org).

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

REASON: The Board believes it is reasonable and necessary to amend section (1) of the rule because nurse midwives must have current national certification in order to be granted recognition under ARM 8.32.306(2)(e) and are thus held to the standards of the American College of Nurse Midwives which is the national certifying body for nurse midwives which is approved by the Board. Therefore, it is not necessary to refer to that body's standards for practice in this rule. The Board has determined it is reasonable and necessary to add section (2) to the rule because nurse midwifery is the only APRN specialty practice in Montana in which re-certification is not currently required. The Board deems continuing competency as evidenced by regular, periodic re-certification, to be necessary for protection of the public safety. The proposed amendments will have no fiscal impact on the Board or department. The fiscal impact on each licensee affected by the amendments is approximately \$90 per year which is the current annual fee for the certification maintenance program through the American College of Nurse Midwives. The Board estimates that between six and 10 licensees will be affected, for an annual cumulative fiscal impact of approximately \$540 to \$900.

8.32.409 PREPARATION OF LICENSES (1) ~~The executive director and the president and the secretary~~ of the board shall sign the original licenses.

AUTH: 37-1-131, 37-8-202, MCA  
IMP: 37-1-101, 37-8-202, 37-8-401, MCA

REASON: The Board believes it is necessary to amend this rule because in the event of a vacancy in the staff position of executive director, delays could occur in issuing licenses. The Board will always have a president and secretary so the amendment will allow the board to be more efficient and ensure that licenses are issued in a timely manner. This rule amendment will affect approximately 500 new licensees per year. The amendment will have no fiscal impact.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted by mail to Jill Caldwell, Board of Nursing, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdnur@state.mt.us](mailto:dlibsdnur@state.mt.us) and must be received no later than 5:00 p.m., October 14, 2003.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/nur>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing 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 website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Nursing 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 and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Nursing administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed 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 [dlibsdnur@state.mt.us](mailto:dlibsdnur@state.mt.us) or may be made by completing a request form at any rules hearing held by the agency.

7. Lorraine Schneider, attorney, has been designated to preside over and conduct this hearing.

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

9. The Board of Nursing will meet during its October 23, 2003, Board meeting in Helena to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed amendments. The meeting will be held in conjunction with the Board's regular meeting. Members of the public are welcome to attend the meeting and listen to the Board's deliberations.

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 August 18, 2003.