

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 8.32.1118,) ON PROPOSED AMENDMENT
relating to nursing education) AND ADOPTION
accrediting bodies, and the)
proposed adoption of NEW RULE I)
relating to the nurse's role in)
cosmetic procedures)

TO: All Concerned Persons

1. On December 2, 2003, at 9:30 a.m., a public hearing will be held in room 471, of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and adoption 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 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., on November 26, 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) 841-2305; e-mail dlibsdnur@state.mt.us.

3. The rule proposed to be amended provides as follows (stricken matter interlined, new matter underlined):

8.32.1118 RECOGNIZED ACCREDITATION BODIES (1) The board recognizes the following national accreditation bodies:
(a) ~~committee~~ commission on collegiate nursing education (CCNE); and
(b) national league for nursing ~~accreditation~~ accrediting commission (NLNAC).
(2) remains the same.

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

REASON: It is reasonable and necessary to amend the rule to correct two recently discovered errors: in (1)(a), the word "committee" should be "commission", and in (1)(b), the word "accreditation" should be "accrediting" to reflect the proper names of the two national accreditation bodies referred to in the rule.

4. The proposed new rule provides as follows:

NEW RULE I STANDARDS RELATED TO THE LICENSED NURSE'S ROLE IN COSMETIC PROCEDURES (1) A licensed nurse who has the proper training and on-going competency may perform the following tasks and procedures only under the on-site supervision of a physician:

- (a) procedures using lasers;
- (b) procedures using intense pulsed light sources;
- (c) procedures using microwave energy;
- (d) procedures using radio frequency;
- (e) procedures using electrical impulse;
- (f) dermatologic procedures employing technologies that cut or alter living tissue; and
- (g) injections or insertions of the following:
 - (i) botulism toxins, commonly referred to as "botox";
 - (ii) natural and synthetic collagens;
 - (iii) silicone;
 - (iv) sclerotherapy agents; or
 - (v) natural or synthetic filler materials.

AUTH: 37-8-202, MCA

IMP: 37-2-102, MCA

REASON: The board determined it is necessary and reasonable to clarify the nurse's role in the tasks and procedures specified in the proposed new rule because several nurses recently sought clarification and the Board of Medical Examiners concurred that clarification was necessary. The board believes the rule may affect approximately 30 nurses and approximately 15 physicians.

5. 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 to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdnur@state.mt.us, and must be received no later than 5:00 p.m., December 16, 2003.

6. An electronic copy of this Notice of Public Hearing is available through the Department's and Board's site on the World Wide Web at <http://discoveringmontana.com/dli/nur>. 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.

7. 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 which 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, or may be made by completing a request form at any rules hearing held by the agency.

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

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

10. The Board of Nursing will meet on January 21, 2004, at 9:00 a.m. at its offices, 301 South Park Avenue (fourth floor), Helena, Montana, to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed rule changes. Members of the public are welcome to attend 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 AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State October 20, 2003