

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

In the matter of the amendment)	NOTICE OF AMENDMENT
of ARM 8.32.305 educational)	
requirements and other)	
qualifications applicable to)	
advanced practice registered)	
nursing, ARM 8.32.307 clinical)	
nurse specialist practice,)	
ARM 8.32.801 application for)	
initial approval, ARM 8.32.807)	
special reports, ARM 8.32.1504)	
initial application requirements)	
for prescriptive authority, and)	
ARM 8.32.1506 special limitations)	
related to the prescribing of)	
controlled substances)	

TO: All Concerned Persons

1. On February 24, 2005, the Board of Nursing published MAR Notice No. 8-32-65 regarding the public hearing on the proposed amendment of the above-stated rules at page 311 of the 2005 Montana Administrative Register, issue no. 4.

2. A public hearing on the proposed amendment of the above-stated rules was held on March 30, 2005.

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

8.32.807 SPECIAL REPORTS

COMMENT 1: Roger Barber, Deputy Commissioner of Academic Affairs, on behalf of the Office of Commissioner of Higher Education and Board of Regents, requested that (1)(h) of the proposed rule be modified to make the rule consistent with the Board of Regent's policy relating to approval of nursing programs. He recommended that (1)(h) read as follows:

- (h) an expansion involving:
 - (i) an increase in the number of students served by a program that equals or exceeds the numerator in the student/faculty ratio requirements for clinical settings set by the board and national nursing accrediting agency standards; and
 - (ii) the increase in (i) requires at least one of the following:
 - (A) the addition of one or more faculty to the program;
 - (B) the addition of clinical experiences at clinical agencies not currently used by the program; or

(C) the addition of clinical experiences at clinical agencies currently used by the program but utilizing nontraditional times or nontraditional instructional methods.

RESPONSE 1: The board agrees with Mr. Barber's recommendation. In order to implement the change, (1)(c) of the proposed rule needs to be stricken so that the rule, read as a whole, is consistent with the language change recommended by Mr. Barber and approved by the board. The rule subsections need to be renumbered accordingly. In the proposal notice, subsection (i) was inadvertently listed twice, once as "(f) through (i) remain the same but are renumbered (d) through (g)" and also as "~~(i)~~ (h)". The proposal should have read, "(f) through (h) remain the same but are renumbered (d) through (f)" followed by "~~(i)~~ (g)". The correct earmarking is shown in the revision.

4. The Board amends ARM 8.32.305, ARM 8.32.307, ARM 8.32.801, ARM 8.32.1504 and ARM 8.32.1506 exactly as proposed.

5. After consideration of the comments, the Board has amended the following rule as proposed, but with the following changes, stricken matter interlined, new matter underlined:

8.32.807 SPECIAL REPORTS (1) through (1)(b) remain as proposed.

- ~~(c) changes in enrollment by 10 or more students;~~
- ~~(d) (c) major curriculum revisions;~~
- ~~(e) (d) change in degree offerings or program options;~~
- ~~(f) (e) additional geographic sites or locations; and~~
- ~~[(i) renumbered (g) in the proposed notice was in error.]~~
- ~~(h) any expansion requiring one or more of the following:~~
 - ~~(i) the addition of two or more faculty to the program;~~
 - ~~(ii) the addition of clinical experiences at the medical settings currently used by the program;~~
 - ~~(iii) the addition of clinical experiences at medical settings used by the program, but using nontraditional times or nontraditional instructional methods;~~
 - ~~(iv) the reallocation of internal funds that require a reduction in other academic program budgets.~~
- (f) an expansion involving:
 - (i) an increase in the number of students served by a program that equals or exceeds the numerator in the student/faculty ratio requirements for clinical settings set by the board and national nursing accrediting agency standards; and
 - (ii) the increase in (1)(f)(i) requires at least one of the following:
 - (A) addition of one or more faculty to the program;
 - (B) addition of clinical experiences at clinical agencies not currently used by the program; or
 - (C) addition of clinical experiences at clinical agencies currently used by the program, but utilizing

nontraditional times or nontraditional instructional methods.
(2) through (10) remain as proposed.

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-301, 37-8-302, MCA

BOARD OF NURSING
KAREN POLLINGTON, RN, PRESIDENT

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

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State May 2, 2005