

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

In the matter of the transfer and amendment ) NOTICE OF TRANSFER  
of ARM 8.32.301 through 8.32.308, ) AND AMENDMENT,  
8.32.401 through 8.32.405, 8.32.408, ) ADOPTION, REPEAL,  
8.32.411 through 8.32.413, 8.32.415, 8.32.417, ) AND TRANSFER  
8.32.426 through 8.32.430, 8.32.501, 8.32.502, )  
8.32.507, 8.32.601, 8.32.604 through 8.32.606, )  
8.32.801, 8.32.802, 8.32.806 through 8.32.808, )  
8.32.1102, 8.32.1104 through 8.32.1111, )  
8.32.1113, 8.32.1116, 8.32.1118, 8.32.1119, )  
8.32.1402 through 8.32.1412, 8.32.1414, )  
8.32.1501 through 8.32.1505, 8.32.1508, )  
8.32.1509, 8.32.1601 through 8.32.1604, )  
8.32.1606, 8.32.1607, 8.32.1609 through )  
8.32.1611, 8.32.1721, 8.32.1722, 8.32.1725, )  
and 8.32.1732, adoption of NEW RULE I, )  
repeal of 8.32.504 through 8.32.506, 8.32.1101, )  
and 8.32.1401, and transfer of 8.32.101, )  
8.32.201, 8.32.202, 8.32.409, 8.32.410, )  
8.32.416, 8.32.425, 8.32.603, 8.32.608, )  
8.32.610, 8.32.804, 8.32.1103, 8.32.1112, )  
8.32.1114, 8.32.1413, 8.32.1506, 8.32.1510, )  
8.32.1605, 8.32.1608, 8.32.1612, 8.32.1723, )  
8.32.1724, 8.32.1726 through 8.32.1731, )  
and 8.32.1733 pertaining to nursing )

TO: All Concerned Persons

1. On April 20, 2006, the Board of Nursing (board) published MAR Notice No. 8-32-69 regarding the proposed transfer and amendment, adoption, repeal, and transfer of the above-stated rules, at page 956 of the 2006 Montana Administrative Register, issue no. 8.

2. On May 12, 2006, a public hearing was held on the proposed transfer and amendment, adoption, repeal, and transfer of the above-stated rules in Helena. No comments or testimony were received.

3. The board has transferred and amended the following rules exactly as proposed:

8.32.415	(24.159.301)	8.32.428	(24.159.402)	8.32.601	(24.159.406)
8.32.604	(24.159.407)	8.32.605	(24.159.409)	8.32.606	(24.159.410)
8.32.1102	(24.159.601)	8.32.1109	(24.159.605)	8.32.1116	(24.159.606)
8.32.1108	(24.159.609)	8.32.806	(24.159.612)	8.32.1118	(24.159.615)

8.32.801	(24.159.625)	8.32.802	(24.159.630)	8.32.807	(24.159.635)
8.32.808	(24.159.640)	8.32.1110	(24.159.650)	8.32.1111	(24.159.655)
8.32.1113	(24.159.662)	8.32.1119	(24.159.666)	8.32.1104	(24.159.670)
8.32.1105	(24.159.674)	8.32.1106	(24.159.677)	8.32.1107	(24.159.680)
8.32.427	(24.159.905)	8.32.1414	(24.159.915)	8.32.1405	(24.159.1003)
8.32.1406	(24.159.1004)	8.32.1407	(24.159.1005)	8.32.1409A	(24.159.1006)
8.32.1408	(24.159.1010)	8.32.1409	(24.159.1011)	8.32.408	(24.159.1021)
8.32.401	(24.159.1022)	8.32.501	(24.159.1023)	8.32.404	(24.159.1025)
8.32.405	(24.159.1028)	8.32.430	(24.159.1029)	8.32.412	(24.159.1038)
8.32.417	(24.159.1046)	8.32.502	(24.159.1052)	8.32.507	(24.159.1053)
8.32.1402	(24.159.1203)	8.32.1403	(24.159.1204)	8.32.1404	(24.159.1205)
8.32.1409A	(24.159.1206)	8.32.408	(24.159.1221)	8.32.401	(24.159.1222)
8.32.501	(24.159.1223)	8.32.403	(24.159.1225)	8.32.405	(24.159.1228)
8.32.429	(24.159.1229)	8.32.412	(24.159.1238)	8.32.417	(24.159.1246)
8.32.502	(24.159.1252)	8.32.507	(24.159.1253)	8.32.1502	(24.159.1401)
8.32.1410	(24.159.1403)	8.32.1411	(24.159.1404)	8.32.1412	(24.159.1405)
8.32.308	(24.159.1411)	8.32.304	(24.159.1413)	8.32.305	(24.159.1414)
8.32.401	(24.159.1415)	8.32.501	(24.159.1416)	8.32.405	(24.159.1418)
8.32.412	(24.159.1428)	8.32.417	(24.159.1436)	8.32.502	(24.159.1442)
8.32.507	(24.159.1443)	8.32.1503	(24.159.1462)	8.32.1504	(24.159.1463)
8.32.1505	(24.159.1464)	8.32.1508	(24.159.1466)	8.32.301	(24.159.1470)
8.32.302	(24.159.1475)	8.32.303	(24.159.1480)	8.32.307	(24.159.1485)
8.32.307A	(24.159.1490)	8.32.1721	(24.159.1601)	8.32.1722	(24.159.1602)
8.32.1725	(24.159.1605)	8.32.1732	(24.159.1631)	8.32.1601	(24.159.2001)
8.32.1610	(24.159.2002)	8.32.1611	(24.159.2003)	8.32.1602	(24.159.2010)
8.32.1603	(24.159.2011)	8.32.1604	(24.159.2012)	8.32.1606	(24.159.2020)
8.32.1607	(24.159.2021)	8.32.1609	(24.159.2023)	8.32.413	(24.159.2301)

4. The board has adopted NEW RULE I (24.159.901) exactly as proposed.

5. The board has repealed ARM 8.32.504, 8.32.505, 8.32.506, 8.32.1101, and 8.32.1401 exactly as proposed.

6. The board has transferred the following rules exactly as proposed:

8.32.409 (24.159.1036), (24.159.1236), (24.159.1426)  
8.32.416 (24.159.1041), (24.159.1241), (24.159.1431)

8.32.101	(24.159.101)	8.32.201	(24.159.201)	8.32.202	(24.159.202)
8.32.603	(24.159.408)	8.32.608	(24.159.411)	8.32.610	(24.159.416)
8.32.804	(24.159.656)	8.32.1103	(24.159.604)	8.32.1112	(24.159.659)
8.32.1114	(24.159.665)	8.32.1413	(24.159.903)	8.32.1506	(24.159.1465)
8.32.1605	(24.159.2013)	8.32.1608	(24.159.2022)	8.32.1612	(24.159.2004)
8.32.1723	(24.159.1610)	8.32.1724	(24.159.1611)	8.32.1726	(24.159.1612)
8.32.1727	(24.159.1616)	8.32.1728	(24.159.1625)	8.32.1729	(24.159.1630)
8.32.1730	(24.159.1636)	8.32.1731	(24.159.1640)	8.32.1733	(24.159.1604)

7. On February 23, 2006, the Department of Labor and Industry (department) and Board of Nursing (board) published MAR Notice No. 24-101-202 regarding the rules implementing HB 182 at page 383 of the 2006 Montana Administrative Register, issue no. 4. Board of Nursing rules specifically were proposed on page 433. On June 22, 2006, the department and board published final rulemaking action on MAR Notice No. 24-101-202 at page 1583 of the 2006 Montana Administrative Register, issue no. 12. Board of Nursing rules specifically were amended as proposed on page 1597.

ARM 8.32.306, 8.32.402, 8.32.410, 8.32.411, 8.32.425, 8.32.426, 8.32.1501, 8.32.1509, and 8.32.1510 are included in both MAR Notice No. 8-32-69 and 24-101-202. In order to aid the user and clearly identify how these notices impact each other, additional information is included as applicable.

8. ARM 8.32.306 (24.159.1412) will not be amended as proposed in issue no. 8. The same amendment was proposed in issue no. 4 and amended in issue no. 12; therefore, it is unnecessary to amend the rule as proposed. ARM 8.32.306 (24.159.1412) is transferred as proposed.

9. ARM 8.32.425 (24.159.401) and 8.32.410 (24.159.1040), (24.159.1240), (24.159.1430) are transferred as proposed. ARM 8.32.1510 (24.159.1468) is transferred as proposed with catchphrase changes as indicated in issue no. 8.

10. The board has amended ARM 8.32.402 (24.159.1024), (24.159.1224), (24.159.1417), 8.32.411 (24.159.1037), (24.159.1237), (24.159.1427), 8.32.426 (24.159.910), 8.32.1501 (24.159.1461), and 8.32.1509 (24.159.1467), with the following changes, stricken matter interlined, new matter underlined:

8.32.402 (24.159.1024) LICENSURE BY EXAMINATION REQUIREMENTS

- (1) remains as proposed.
- (2) remains as amended in MAR issue no. 12.
- (3) through (13) remain as proposed.

AUTH: 37-8-202, MCA

IMP: 37-1-131, 37-8-406, 37-8-416, MCA

8.32.402 (24.159.1224) LICENSURE BY EXAMINATION REQUIREMENTS

- (1) remains as proposed.
- (2) remains as amended in MAR issue no. 12.
- (3) through (13) remain as proposed.

AUTH: 37-8-202, MCA

IMP: 37-1-131, 37-8-406, 37-8-416, MCA

8.32.402 (24.159.1417) LICENSURE BY EXAMINATION REQUIREMENTS

- (1) remains as proposed.
- (2) remains as amended in MAR issue no. 12.

(3) through (13) remain as proposed.

AUTH: 37-8-202, MCA

IMP: 37-1-131, 37-8-406, 37-8-416, MCA

8.32.411 (24.159.1037) RENEWALS (1) and (2) not amended as proposed in MAR issue no. 8, but text remains as amended in MAR issue no. 12.

(3) and (4) deleted as proposed in MAR issue no. 8.

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

IMP: 37-1-134, 37-8-202, MCA

8.32.411 (24.159.1237) RENEWALS (1) and (2) not amended as proposed in MAR issue no. 8, but text remains as amended in MAR issue no. 12.

(3) and (4) deleted as proposed in MAR issue no. 8.

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

IMP: 37-1-134, 37-8-202, MCA

8.32.411 (24.159.1427) RENEWALS (1) and (2) not amended as proposed in MAR issue no. 8, but text remains as amended in MAR issue no. 12.

(3) Renewal notices will be sent to all currently licensed advanced practice registered nurses (APRNs) as specified in ARM 24.101.414. The licensee shall complete the application and return it, the proof of continuing education required by ~~ARM 8.32.411~~ (3)(a)(iii) and (4), and the renewal fee to the board before the date set by ARM 24.101.413. Upon receiving the completed renewal application and fee, the board shall issue a certificate of renewal for the two-year period following the date set by ARM 24.101.413. If the renewal application is postmarked after the renewal deadline, it is subject to the late penalty fee specified in ARM 24.101.403. The provisions of ARM 24.101.408 apply.

(a) through (4) not amended as proposed in MAR issue no. 8, but text remains as amended in MAR issue no. 12.

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

IMP: 37-1-134, 37-8-202, MCA

8.32.426 (24.159.910) GENERAL REQUIREMENTS FOR LICENSURE AS MEDICATION AIDE (1) through (1)(b) remain as proposed.

(2) through (5) remain as amended in MAR issue no. 12.

(6) deleted as proposed in MAR issue no. 12.

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

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

8.32.1501 (24.159.1461) PRESCRIPTIVE AUTHORITY FOR ELIGIBLE APRNS (1) and (2) remain as proposed.

(3) The Board of Pharmacy will be notified in a timely manner by the board when the status of an APRN's prescriptive authority changes.

AUTH: 37-8-202, MCA

IMP: 37-8-202, MCA

8.32.1509 (24.159.1467) SUSPENSION OR REVOCATION OF PRESCRIPTIVE AUTHORITY (1) remains as proposed.

(2) An advanced practice registered nurse whose prescriptive authority has ended is not authorized to prescribe until written notice is received from the board that the nurse's prescriptive authority has been reinstated.

AUTH: 37-8-202, MCA

IMP: 37-8-202, MCA

BOARD OF NURSING  
KAREN POLLINGTON, R.N., CHAIRPERSON

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

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

Certified to the Secretary of State August 14, 2006