

1 HOUSE BILL NO. 964
2 INTRODUCED BY S. GIST

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR LICENSURE OF CERTIFIED NURSE AIDES
5 AND PAID FEEDING ASSISTANTS; ESTABLISHING LICENSURE REQUIREMENTS; REQUIRING A
6 LICENSURE FEE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 37-1-401, 37-8-423,
7 AND 37-8-426, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. Section 1. Certified nurse aide -- qualifications -- scope of practice. (1) An
12 individual may not practice as a certified nurse aide unless licensed under Title 37, chapter 1, and [sections 1
13 through 4].

14 (2) An applicant for licensure as a certified nurse aide shall:
15 (a) pay a licensing fee as established by the department by rule;
16 (b) complete an approved training and competency evaluation meeting the requirements of 42
17 CFR 483.152 or be deemed, pursuant to 42 CFR 483.150, to have satisfied the requirements of the evaluation;
18 and

19 (c) meet other requirements as established by the department by rule.

20 (3) A certified nurse aide may provide the services as permitted by department rule and in
21 accordance with 42 CFR 483.150, et seq.

22
23 NEW SECTION. Section 2. Paid feeding assistants -- qualifications -- scope of practice. (1) An
24 individual may not practice as a paid feeding assistant unless licensed under Title 37, chapter 1, and [sections
25 1 through 4].

26 (2) An applicant for licensure as a paid feeding assistant must:
27 (a) pay a licensing fee as established by the department by rule;
28 (b) complete training that meets the requirements of 42 CFR 483.160; and

1 (c) meet other requirements as established by the department by rule.

2 (3) A paid feeding assistant may provide the services as permitted by department rule.

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4 **NEW SECTION. Section 3. Rulemaking.** The department shall adopt rules to carry out the
5 provisions of [sections 1 through 4], including but not limited to rules establishing scope of practice,
6 unprofessional conduct, and licensing fees for certified nurse aides and paid feeding assistants.

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8 **NEW SECTION. Section 4. Special revenue account.** There is an account in the state special
9 revenue fund established in 17-2-102 to the credit of the department. Fees collected by the department under
10 [sections 1 through 4] must be deposited in the account to carry out the provisions of [sections 1 through 4].

11

12 **Section 5.** Section 37-1-401, MCA, is amended to read:

13 **"37-1-401. Uniform regulation for licensing programs without boards -- definitions.** As used in
14 this part, the following definitions apply:

15 (1) "Complaint" means a written allegation filed with the department that, if true, warrants an
16 injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

17 (2) "Department" means the department of labor and industry provided for in 2-15-1701.

18 (3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the
19 department, with respect to a complaint or other information before the department, that is carried out for the
20 purpose of determining:

21 (a) whether a person has violated a provision of law justifying discipline against the person;

22 (b) the status of compliance with a stipulation or order of the department;

23 (c) whether a license should be granted, denied, or conditionally issued; or

24 (d) whether the department should seek an injunction.

25 (4) "License" means permission in the form of a license, permit, endorsement, certificate,
26 recognition, or registration granted by the state of Montana to engage in a business activity or practice at a
27 specific level in a profession or occupation governed by:

28 (a) Title 37, chapter 35, 72, or 73; or

1 (b) Title 50, chapter 39, 74, or 76.

2 (5) "Profession" or "occupation" means a profession or occupation regulated by the department
3 under the provisions of:

4 (a) Title 37, chapter 35, 49, 72, ~~or 73~~, or [sections 1 through 4]; or

5 (b) Title 50, chapter 39, 74, or 76."
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7 **Section 6.** Section 37-8-423, MCA, is amended to read:

8 **"37-8-423. Medication aide II -- qualifications.** An applicant for a license to practice as a medication
9 aide II shall submit to the board written evidence that the applicant:

10 (1) has successfully completed at least an approved 4-year high school course of study or the
11 equivalent as determined by the office of public instruction;

12 (2) holds a valid ~~certificate license~~ from the department of public health and human services as a
13 certified ~~nursing assistant~~ nurse aide;

14 (3) has been employed as a certified ~~nursing assistant~~ nurse aide in a long-term care facility
15 licensed to provide skilled nursing care, as defined in 50-5-101, for a minimum of 2 years;

16 (4) holds a valid certificate in cardiopulmonary resuscitation;

17 (5) (a) has successfully completed a training program specified by the board that includes 100
18 hours of education consisting of classroom instruction, laboratory skills, and supervised medication
19 administration related to basic pharmacology and principles of safe medication administration; or

20 (b) is currently licensed as a medication aide in another state with a program that is determined by
21 the board to be reasonably equivalent to the board-specified program;

22 (6) has passed a board-approved competency examination with at least 80% proficiency; and

23 (7) has completed 12 hours of annual continuing education in pharmacology and medication
24 administration."
25

26 **Section 7.** Section 37-8-426, MCA, is amended to read:

27 **"37-8-426. Medication aide II -- implementation.** The board shall establish rules implementing the
28 provisions of 37-8-102 and 37-8-422 through 37-8-426 and providing for the establishment of requirements for

1 license renewal, including but not limited to continuing education, continued ~~certification~~-licensure as a certified
2 ~~nursing assistant~~ nurse aide and medication aide II, and mandatory cardiopulmonary resuscitation certification."

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4 NEW SECTION. Section 8. Codification instruction. [Sections 1 through 4] are intended to be
5 codified as new chapter in Title 37, and the provisions of Title 37 apply to [sections 1 through 4].

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7 NEW SECTION. Section 9. Contingent effective date. [This act] is effective January 1, 2025, if the
8 commissioner of labor and industry certifies to the code commissioner on or before January 1, 2025, that the
9 centers for medicare and medicaid services have approved any medicaid waiver or state plan necessary to
10 allow the department of labor and industry to implement the provisions of [this act].

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