

## HOUSE BILL NO. 558

INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA NURSE CORPS ACT; PROVIDING FOR ENROLLMENT OF LICENSED NURSES IN THE NURSE CORPS PROGRAM; PROVIDING FOR HOME HEALTH CARE VISITS TO PATIENTS ELIGIBLE FOR MEDICARE OR MEDICAID; LIMITING CHARGES MADE BY NURSE CORPS MEMBERS; LIMITING THE LIABILITY OF NURSE CORPS MEMBERS; PROVIDING DEFINITIONS; AND PROVIDING RULEMAKING AUTHORITY."

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

**NEW SECTION. Section 1. Short title.** [Sections 1 through 8] may be cited as the "Montana Nurse Corps Act".

**NEW SECTION. Section 2. Establishment of program -- purposes.** (1) There is a Montana nurse corps program.

- (2) The purposes of the program are to:
- (a) provide outpatient care to eligible individuals by nurses at affordable prices;
  - (b) keep the elderly or infirm in their homes longer; and
  - (c) provide home health care visits for patients who have difficulty traveling.

**NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 8], unless the context requires otherwise, the following definitions apply:

- (1) "Eligible individual" means an individual who is:
  - (a) enrolled in the medicare or medicaid program;
  - (b) enrolled in the medical assistance program provided for in Title 53, chapter 6; or
  - (c) uninsured and whose family income does not exceed 400% of the federal poverty level.
- (2) "Health care" has the same meaning as provided in 50-16-504.

1 (3) "Health care facility" has the same meaning as provided in 50-16-504.

2 (4) "Health care provider" has the same meaning as provided in 50-16-504.

3 (5) "Nurse" means an individual who is licensed under Title 37, chapter 8, to practice professional  
4 nursing in the state and who has fulfilled the requirements of the board of nursing pursuant to 37-8-202 and 37-  
5 8-409.

6  
7 **NEW SECTION. Section 4. Eligibility for participation.** A nurse who is properly licensed and in  
8 good standing in the state may participate in the nurse corps program provided for in [sections 1 through 8] by  
9 providing to the board:

10 (1) a listing of clinical services offered by the applicant; and

11 (2) the location where the services are offered if the services are rendered outside of a patient's  
12 home.

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14 **NEW SECTION. Section 5. Visits -- charges.** (1) Health care providers or health care facilities may  
15 refer medicare or medicaid patients to the nurse corps program.

16 (2) A nurse corps member may make home visitations to eligible individuals for the purpose of  
17 providing health care to the individuals.

18 (3) A nurse corps member may charge \$10 for a patient contact or visit and may submit a charge  
19 to medicare or medicaid.

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21 **NEW SECTION. Section 6. Limitation on liability.** A nurse who renders health care within the  
22 scope of the nurse's license to a patient under [sections 1 through 8] is not liable to a patient or other person for  
23 civil damages resulting from the rendering of the care unless the damages were the result of gross negligence  
24 or willful or wanton acts or omissions by the nurse. Each patient must be given notice that under state law the  
25 nurse may not be held legally liable for ordinary negligence for services provided under the nurse corps  
26 program.

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28 **NEW SECTION. Section 7. Termination of participation in nurse corps program.** The board may

1 take disciplinary action against a nurse participating in the nurse corps program as provided in [sections 1  
2 through 8] and may terminate a nurse's participation in the nurse corps program based on the disciplinary  
3 action.

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5 **NEW SECTION. Section 8. Insurance coverage -- assessments on licensees -- optional use.** (1)

6 Subject to 37-1-121, the board may procure a malpractice insurance policy to provide coverage for nurse corps  
7 members. The coverage:

8 (a) may not cover any services:

9 (i) performed by a nurse who has not provided to the board the information required in [section 4];

10 or

11 (ii) provided to someone other than an eligible individual;

12 (b) is limited to damages available pursuant to [section 6]; and

13 (c) does not create, infer, or establish any agency relationship or liability by the board for any  
14 services performed under [sections 1 through 8].

15 (2) A policy purchased by the board under this section must be paid for by a fee established by the  
16 board by rule that is assessed on all nurses licensed by the board.

17 (3) A nurse corps member is not required to use insurance provided under this section. A nurse's  
18 decision not to use the insurance provided under this section does not affect the nurse's liability under [sections  
19 1 through 8].

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21 **NEW SECTION. Section 9. Codification instruction.** [Sections 1 through 8] are intended to be  
22 codified as a new part of Title 37, chapter 8, and the provisions of Title 37, chapter 8, apply to [sections 1  
23 through 8].

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