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BEFORE THE BOARD OF NURSING
STATE OF MONTANA

In the Matter of the Change in Board Approval Status for Blackfeet Community College Nursing Program NCLEX Program Code US98510100	Case No. 2025-NUR-00683 NOTICE OF PROPOSED BOARD ACTION AND OPPORTUNITY FOR HEARING
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On July 23, 2025, the Montana Board of Nursing (Board) reviewed the nursing education program of Blackfeet Community College (Program), and information presented by the Montana Department of Labor and Industry (Department), moved for a conditional approval, and directed issuance of this *Notice of Proposed Board Action and Opportunity for Hearing (Notice)*.

A. FACT ASSERTIONS

1. The Program has been operating as an approved nursing education program in Montana since 2013.
2. The Program is not accredited by a national nursing accreditation agency recognized by the U.S. Department of Education.
3. The Program was last surveyed by the Department in October 2019 and was granted an on-going 5-year approval by the Board on January 15, 2020.

4. In accordance with Board rules, Dr. Lindsay, Program Director, submitted a self-study report to the Board.

5. On March 27-28, 2025, the Department conducted a required onsite survey of the Program

6. Several areas of noncompliance or partial compliance were identified during the onsite survey.

7. On April 30, 2025, a survey report, detailing program requirements and the survey outcomes, was issued to the Program.

8. The Program responded to the survey report, providing additional information and preliminary plans to address the identified areas of noncompliance or partial compliance.

9. At its meeting on July 23, 2025, the Board reviewed the Program's self-study, the Department's survey report, and the Program's response, found the Program is not in compliance with Board statutes and rules, as stated in the survey report and incorporated here, and moved to grant the Program conditional approval.

B. ASSERTIONS OF LAW

1. The Board has jurisdiction over nursing education programs, including application and approval, and is authorized to establish requirements for said programs and to act on continued approval pursuant to Mont. Code Ann. §§ 37-1-131, 307, and Title 37, ch. 8 and Admin. R. Mont. Title 24, ch. 159.

2. All nursing education programs are required to meet standards and requirements outlined in Board rules. *See* Admin. R. Mont. 24.159.604 through 612.

3. The Board is required to evaluate approved nursing education programs for continued approval by monitoring and analyzing program performance through, among other

things, periodic survey visits and reports, annual reports, and other sources of information regarding achievement of program outcomes. Admin. R. Mont. 24.159.630.

4. It is the duty of the Department to periodically survey nursing education programs and submit a written report to the Board. Mont. Code Ann. § 37-8-302(1). To ensure ongoing compliance with the Board's statutes and rules, those approved programs not accredited by a national nursing accreditation agency recognized by the U.S. Department of Education must be surveyed onsite and reevaluated for continued approval at least every five years. Admin. R. Mont. 24.159.632(1). Each time a program survey is performed, the entire program is evaluated for all components under the Board jurisdiction. *Id.*

5. Before an onsite survey, a school must submit a self-study report to the Board providing evidence of compliance with the appropriate nursing education rules 45 days before the scheduled onsite survey. Admin. R. Mont. 24.159.632(2).

6. The onsite survey is performed by the Board's executive director or education consultant and a qualified site visitor, a surveyor's report should be made available to the program, and the program may submit a written response to the survey report. Admin. R. Mont. 24.159.632(3).

7. The Board shall review the final survey report and any program response and make a finding regarding the program's compliance with the rules. Admin. R. Mont. 24.159.632(4).

8. Following the Board's review and decision, the program director and the leadership of the parent institution will be notified of the finding, and the program status will be placed on the Board website. Admin. R. Mont. 24.159.632(5).

9. If the Board determines any approved nursing program is not maintaining the standards required by law and the Board's rules, the Board shall give the program notice of any areas of noncompliance. Mont Code Ann. § 37-8-302(2).

10. The Board shall make a change in approval status when a school does not meet the requirements of the applicable statutes and rules to the satisfaction of the Board. Admin. R. Mont. 24.159.640(1).

11. The Board shall notify the school of a change in approval status and the time and manner in which the school must correct the deficiencies. *Id.*

12. The Board may place a program on conditional approval when the Board determines that an approved program is not in compliance with the board rules. Admin. R. Mont. 24.159.640(2).

13. A program that fails to correct these areas of noncompliance within the time designated by the Board shall be removed from the list of approved nursing education programs. Mont. Code Ann. § 37-8-302(2) and Admin. R. Mont. 24.159.640(3).

14. A program denied approval or given less than full approval status is entitled to notice and a hearing to contest the decision in accordance with the Montana Administrative Procedure Act and Mont. Code Ann. Title 37, Chapter 1, Part 3. Admin. R. Mont. 24.159.640(4).

15. Once a program corrects deficiencies, the Board shall reinstate the program to conditional or approval status, as deemed appropriate by the Board. Admin. R. Mont. 24.159.640(5).

C. PROPOSED ORDER

The Board proposes to grant **CONDITIONAL APPROVAL** to the Program subject to the following conditions:

1. Upon receipt of the Stipulation signed by the Program and Agency Counsel, the Program shall be placed on conditional approval.
2. The Program shall submit a self-study report to the Board providing evidence of correction of the identified deficiencies and compliance with the appropriate nursing education rules by 5:00 p.m., Mountain Time, on September 30, 2026.
3. The Board's executive director or education consultant and a qualified site visitor shall perform an onsite survey of the Program by November 30, 2026, and issue a surveyor's report to the Program within 20 days of the onsite survey. The Program may submit a written response to the survey report within 14 days of receipt of the report.
4. The Board shall review the self-study, final survey report, and any response from the Program by February 28, 2027, and reconsider the status of the Program's approval.
5. The Board may grant full approval, continue conditional approval, or deny approval of the Program in accordance with Board statutes and rules following its review and reconsideration.

D. STATEMENT OF RIGHTS AND PROCEDURES

1. The Program may request a hearing to contest these charges. To exercise the right to a hearing, the Program must send a written request within 20 days of receipt of this Notice, addressed as follows:

Department of Labor and Industry
Office of Legal Services
1315 Lockey Avenue
P.O. Box 1728
Helena, MT 59624-1728

2. Failure to request a hearing within 20 days of receipt of this Notice constitutes a default and allows the Board to enter a Final Order against the Program based on the facts available to it.

3. If the Program requests a hearing within 20 days, the Commissioner of Labor and Industry will appoint an impartial hearing examiner to conduct the hearing. The hearing examiner will notify the Program and the Department of the time and place of the hearing. The Program has the right to appear in person or by or with counsel.

4. Procedural and substantive requirements governing this matter may be found at Mont. Code Ann. Title 2, ch. 4, pt. 6 (Montana Administrative Procedure Act) and Title 37, ch. 1, pts. 1 and 3, and ch. 8, including the right to: a hearing before an impartial hearing examiner; present evidence, testify, confront, and cross-examine witnesses at the hearing; be represented by legal counsel; subpoena witnesses; and request judicial review and appeal.

5. After a proposed decision of a hearing examiner, a default, or a stipulated agreement, the Board will issue a Final Order taking any of the allowed actions detailed under Admin. R. Mont. 24.159.640 or granting continued approval status to the Program.

6. The Program may request judicial review of a Final Order of the Board entered after consideration of a proposed decision of a hearing examiner by filing a petition in district court within 30 days of the issuance of a Final Order.

7. In lieu of a hearing, the Program may enter into a stipulated agreement resolving the matter.

DATED this 1st day of August.



Sara J. Hansen-Baiamonte
Agency Counsel

CERTIFICATE OF SERVICE

I certify I served a true and accurate copy of the foregoing *Notice of Proposed Board Action and Opportunity for Hearing* through electronic mail at the following email addresses provided by the Program:

Dr. Brad Hall at bhall@bfcc.edu
Dr. Jim Rains at j rains@bfcc.edu
Dr. Julie Lindsay at j lindsay@bfcc.edu
Majel Russell, J.D., at mrussell@elkriverlaw.com

DATED this 1st day of August.

A handwritten signature in blue ink, reading "Lindsay Sead". The signature is fluid and cursive, with the first name "Lindsay" and last name "Sead" clearly distinguishable.

Department of Labor and Industry

BEFORE THE BOARD OF NURSING
STATE OF MONTANA

In the Matter of Blackfeet Community College, NCLEX Program Code US98510100	Case No. 2025-NUR-00683 STIPULATION
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The Department of Labor and Industry (Department), through its legal counsel and the nursing education program of Blackfeet Community College (Program), enter this Stipulation and agree as follows:

A. AGREED FACTS

1. The Program has been operating as an approved nursing education program in Montana since 2013.
2. The Program is not accredited by a national nursing accreditation agency recognized by the U.S. Department of Education.
3. The Program was last surveyed by the Department in October 2019 and was granted an on-going 5-year approval by the Board on January 15, 2020.
4. In accordance with Board rules, Dr. Lindsay, Program Director, submitted a self-study report to the Board.
5. On March 27-28, 2025, the Department conducted a required onsite survey of the Program
6. Several areas of noncompliance or partial compliance were identified during the onsite survey.
7. On April 30, 2025, a survey report, detailing program requirements and the survey outcomes, was issued to the Program.

8. The Program responded to the survey report, providing additional information and preliminary plans to address the identified areas of noncompliance or partial compliance.

9. At its meeting on July 23, 2025, the Board reviewed the Program's self-study, the Department's survey report, and the Program's response, found the Program is not in compliance with Board statutes and rules, as stated in the survey report and incorporated here, and moved to grant the Program conditional approval.

B. AGREED CONCLUSIONS OF LAW

1. The Board has jurisdiction over nursing education programs, including application and approval, and is authorized to establish requirements for said programs and to act on continued approval pursuant to Mont. Code Ann. §§ 37-1-131, 307, and Title 37, ch. 8 and Admin. R. Mont. Title 24, ch. 159.

2. All nursing education programs are required to meet standards and requirements outlined in Board rules. *See* Admin. R. Mont. 24.159.604 through 612.

3. The Board is required to evaluate approved nursing education programs for continued approval by monitoring and analyzing program performance through, among other things, periodic survey visits and reports, annual reports, and other sources of information regarding achievement of program outcomes. Admin. R. Mont. 24.159.630.

4. It is the duty of the Department to periodically survey nursing education programs and submit a written report to the Board. Mont. Code Ann. § 37-8-302(1). To ensure ongoing compliance with the Board's statutes and rules, those approved programs not accredited by a national nursing accreditation agency recognized by the U.S. Department of Education must be surveyed onsite and reevaluated for continued approval at least every five years. Admin. R.

Mont. 24.159.632(1). Each time a program survey is performed, the entire program is evaluated for all components under the Board jurisdiction. *Id.*

5. Before an onsite survey, a school must submit a self-study report to the Board providing evidence of compliance with the appropriate nursing education rules 45 days before the scheduled onsite survey. Admin. R. Mont. 24.159.632(2).

6. The onsite survey is performed by the Board's executive director or education consultant and a qualified site visitor, a surveyor's report should be made available to the program, and the program may submit a written response to the survey report. Admin. R. Mont. 24.159.632(3).

7. The Board shall review the final survey report and any program response and make a finding regarding the program's compliance with the rules. Admin. R. Mont. 24.159.632(4).

8. Following the Board's review and decision, the program director and the leadership of the parent institution will be notified of the finding, and the program status will be placed on the Board website. Admin. R. Mont. 24.159.632(5).

9. If the Board determines any approved nursing program is not maintaining the standards required by law and the Board's rules, the Board shall give the program notice of any areas of noncompliance. Mont Code Ann. § 37-8-302(2).

10. The Board shall make a change in approval status when a school does not meet the requirements of the applicable statutes and rules to the satisfaction of the Board. Admin. R. Mont. 24.159.640(1).

11. The Board shall notify the school of a change in approval status and the time and manner in which the school must correct the deficiencies. *Id.*

12. The Board may place a program on conditional approval when the Board determines that an approved program is not in compliance with the board rules. Admin. R. Mont. 24.159.640(2).

13. A program that fails to correct these areas of noncompliance within the time designated by the Board shall be removed from the list of approved nursing education programs. Mont. Code Ann. § 37-8-302(2) and Admin. R. Mont. 24.159.640(3).

14. A program denied approval or given less than full approval status is entitled to notice and a hearing to contest the decision in accordance with the Montana Administrative Procedure Act and Mont. Code Ann. Title 37, Chapter 1, Part 3. Admin. R. Mont. 24.159.640(4).

15. Once a program corrects deficiencies, the Board shall reinstate the program to conditional or approval status, as deemed appropriate by the Board. Admin. R. Mont. 24.159.640(5).

C. AGREED CONDITIONS

1. The Program is hereby placed on **CONDITIONAL APPROVAL** status.

2. The Program shall submit a self-study report to the Board providing evidence of correction of the identified deficiencies and compliance with the appropriate nursing education rules by 5:00 p.m., Mountain Time, on September 30, 2026.

3. The Board's executive director or education consultant and a qualified site visitor shall perform an onsite survey of the Program by November 30, 2026, and issue a surveyor's report to the Program within 20 days of the onsite survey. The Program may submit a written response to the survey report within 14 days of receipt of the report.

4. The Board shall review the self-study, final survey report, and any response from the Program by February 28, 2027, and reconsider the status of the Program's approval.

5. The Board may grant full approval, continue conditional approval, or deny approval of the Program in accordance with Board statutes and rules following its review and reconsideration.

D. ADDITIONAL PROVISIONS

1. Waiver of Rights. The Program has read and understands each term of the *Notice of Proposed Board Action and Opportunity for Hearing* (Notice) and this Stipulation, and understands the various rights provided, including the right to: a hearing before an impartial hearing examiner; present evidence, testify, and confront and cross-examine witnesses at the hearing; be represented by legal counsel; subpoena witnesses; request judicial review and appeal; and all other rights under Mont. Code Ann. Title 2, ch. 4, pt. 6 (Montana Administrative Procedure Act), Title 37, chs. 1 and 8, and other applicable law. The Program desires to avoid unnecessary expenditure of time and other valuable resources to resolve this matter. Therefore, the Program voluntarily and knowingly waives the rights listed above and elects to resolve this matter on the terms and conditions of this Stipulation and acknowledges that no promise, other than those contained in this Stipulation, and no threat or improper assertion has been made by the Board or Department or by any member, officer, agent, or representative of the Board or Department to induce the Program to enter into this Stipulation.

2. Release. This Stipulation is a final compromise and settlement of this contested case proceeding. The Program, and assigns, agents, and representatives of the Program, release the Board, its members, officers, agents, or representatives from any and all liability, claim, and cause of action, whether now known or contemplated, including but not limited to, any claims

under Mont. Code Ann. Title 2, ch. 9, pt. 3 (Montana Tort Claims Act), as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case, its processing, investigation, litigation, or from the negotiation or execution of this Stipulation.

3. Entire Agreement. This Stipulation contains the entire agreement of the parties. All prior discussions and writings are superseded by this Stipulation, and no discussion by the Board prior to the approval of this Stipulation may be used to interpret or modify it. Any modification requires a written amendment signed by both parties and final Board approval.

4. Severability. If a court or administrative tribunal declares any term or condition contained in this Stipulation to be unenforceable for any reason, the unenforceable term or condition shall be severed from the remainder of this Stipulation, and the remainder of this Stipulation shall be interpreted and enforced according to its original intent.

5. Public Documents. The Notice and this Stipulation and Final Order issued by the Board are public documents that the Department, at minimum, must make publicly available on the Department's website and professional databases, and may otherwise distribute to other interested persons or entities.

Representative of Blackfeet Community College
Nursing Education Program

DATE

Sara J. Hansen-Baiamonte
Agency Counsel

DATE