

HOUSE BILL NO. 686

INTRODUCED BY J. ETCHART

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PHYSICIAN ASSISTANTS; TRANSITIONING PHYSICIAN ASSISTANT LICENSING TO A DEPARTMENT OF LABOR AND INDUSTRY LICENSING PROGRAM; REMOVING PHYSICIAN ASSISTANT OVERSIGHT FROM THE BOARD OF MEDICAL EXAMINERS; AND AMENDING SECTIONS 2-15-1731, 37-1-401, 37-20-202, 37-20-203, 37-20-301, 37-20-302, AND 37-20-401, MCA."

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

**Section 1.** Section 2-15-1731, MCA, is amended to read:

**"2-15-1731. Board of medical examiners.** (1) In accordance with 37-1-123, there is a Montana state board of medical examiners.

(2) The board consists of ~~12~~11 members:

(a) five doctors of medicine, including one with experience in emergency medicine, none of whom may be from the same county;

(b) one doctor of osteopathy;

(c) one podiatrist;

(d) one nutritionist;

~~(e) one physician assistant;~~

~~(f)~~(e) one emergency care provider, as defined in 50-6-202, who may be a volunteer emergency care provider; and

~~(g)~~(f) two public members.

(3) The board is allocated to the department as prescribed in 2-15-121."

**Section 2.** Section 37-1-401, MCA, is amended to read:

**"37-1-401. (Temporary) Uniform regulation for licensing programs without boards --**

1 **definitions.** As used in this part, the following definitions apply:

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

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

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

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

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

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

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

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

15 (a) Title 37, chapter 2, part 6;

16 (b) Title 37, chapter 16, 20, 40, 56, 60, 72, or 73; or

17 (c) Title 50, chapter 39, 74, or 76.

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

20 (a) Title 37, chapter 2, part 6;

21 (b) Title 37, chapter 16, 20, 40, 49, 56, 60, 72, or 73; or

22 (c) Title 50, chapter 39, 74, or 76. (Terminates June 30, 2031--sec. 10, Ch. 628, L. 2023.)

23 **37-1-401. (Effective July 1, 2031) Uniform regulation for licensing programs without boards --**

24 **definitions.** As used in this part, the following definitions apply:

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

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

28 (3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the

1 department, with respect to a complaint or other information before the department, that is carried out for the  
2 purpose of determining:

- 3 (a) whether a person has violated a provision of law justifying discipline against the person;
- 4 (b) the status of compliance with a stipulation or order of the department;
- 5 (c) whether a license should be granted, denied, or conditionally issued; or
- 6 (d) whether the department should seek an injunction.

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

- 10 (a) Title 37, chapter 16, 20, 40, 56, 60, 72, or 73; or
- 11 (b) Title 50, chapter 39, 74, or 76.

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

- 14 (a) Title 37, chapter 16, 20, 40, 49, 56, 60, 72, or 73; or
- 15 (b) Title 50, chapter 39, 74, or 76."

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17 **Section 3.** Section 37-20-202, MCA, is amended to read:

18 **"37-20-202. Adoption of rules.** The ~~board~~department may adopt administrative rules to implement  
19 the provisions of this chapter ~~and set forth grounds for disciplinary action.~~"

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21 **Section 4.** Section 37-20-203, MCA, is amended to read:

22 **"37-20-203. Licensing of physician assistants -- collaborative agreements.** (1) The ~~board~~  
23 department may issue either an active or inactive license to a physician assistant applying for a license or  
24 license renewal in Montana.

25 (2) A physician assistant with fewer than 8,000 hours of postgraduate clinical experience shall  
26 practice medicine with a collaborative agreement between the physician assistant and one or more  
27 collaborating providers, who may be:

- 28 (a) a licensed physician; or

1 (b) a licensed physician assistant with 8,000 or more hours of postgraduate clinical experience.

2 (3) "Collaborative agreement" as used in this section means the interaction and relationship that a  
3 physician assistant has with a collaborating provider as described in subsection (2), in which:

4 (a) the physician assistant and collaborating provider are cognizant of the physician assistant's  
5 qualifications and limitations in caring for patients:

6 (b) the physician assistant consults with the collaborating provider while remaining responsible for  
7 care provided by the physician assistant; and

8 (c) the collaborating provider gives direction and guidance to the physician assistant.

9 (4) A physician assistant with a collaborative agreement under subsection (2) shall:

10 (a) practice under written policies and procedures established at a practice level that:

11 (i) describe how collaboration will occur in accordance with subsection (2); and

12 (ii) describe methods for evaluating the physician assistant's competency, knowledge, and skills;

13 and

14 (b) provide a copy of the written policies and procedures and documentation of compliance under  
15 this subsection (4) ~~to the board upon~~ on the board's department's request.

16 (5) A licensed physician assistant actively practicing for 8,000 hours prior to October 1, 2023, is  
17 exempt from the collaborative agreement requirement."

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19 **Section 5.** Section 37-20-301, MCA, is amended to read:

20 **"37-20-301. Requirements for physician assistant practice.** A physician, office, firm, state  
21 institution, or professional service corporation may not employ or make use of the services of a physician  
22 assistant in the practice of medicine, as defined in 37-3-102, and as provided in this chapter and a physician  
23 assistant may not be employed or practice as a physician assistant unless the physician assistant:

24 (1) is licensed by the ~~board~~ department;

25 (2) has paid to the ~~board~~ department the applicable fees required by the ~~board~~ department; and

26 (3) engages in practice for which the physician assistant is educationally prepared and for which  
27 the physician assistant has achieved and maintained competency."

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