

HOUSE BILL NO. 686

INTRODUCED BY J. ETCHART

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 INCREASING~~ PHYSICIAN ASSISTANT OVERSIGHT FROM MEMBERSHIP ON THE BOARD OF MEDICAL EXAMINERS; AND AMENDING SECTIONS SECTION 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~~14 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;~~

(E) THREE PHYSICIAN ASSISTANTS;

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

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

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

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

2
3 ~~"37-1-401. (Temporary) Uniform regulation for licensing programs without boards --~~

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

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

7
8 (2) ~~—"Department" means the department of labor and industry provided for in 2-15-1701 .;~~

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

12 (a) ~~—whether a person has violated a provision of law justifying discipline against the person;~~

13 (b) ~~—the status of compliance with a stipulation or order of the department;~~

14 (c) ~~—whether a license should be granted, denied, or conditionally issued; or~~

15 (d) ~~—whether the department should seek an injunction.~~

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

19 (a) ~~—Title 37, chapter 2, part 6;~~

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

22 (c) ~~—Title 50, chapter 39, 74, or 76.~~

23 (5) ~~—"Profession" or "occupation" means a profession or occupation regulated by the department~~
24 ~~under the provisions of:~~

25 (a) ~~—Title 37, chapter 2, part 6;~~

26
27 (b) ~~—Title 37, chapter 16, 20, 40, 49, 56, 60, 72, or 73; or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Section 3 .; Section 37-20-202, MCA, is amended to read:~~

1 ~~"37-20-202. Adoption of rules.~~ The board ~~department~~ may adopt administrative rules to implement
2 the provisions of this chapter and set forth grounds for disciplinary action ~~..~~"

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

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6 ~~"37-20-203. Licensing of physician assistants -- collaborative agreements.~~ (1) The board
7 ~~department~~ may issue either an active or inactive license to a physician assistant applying for a license or
8 license renewal in Montana.

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

12 (a) — a licensed physician; or

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

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

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

18 (b) — the physician assistant consults with the collaborating provider while remaining responsible for
19 care provided by the physician assistant; and

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

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

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

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

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

25 and

26
27 (b) — provide a copy of the written policies and procedures and documentation of compliance under
28 this subsection (4) to the board ~~upon~~ on the board's department's request.

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

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

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6 **"37-20-301. Requirements for physician assistant practice.** A physician, office, firm, state
7 institution, or professional service corporation may not employ or make use of the services of a physician
8 assistant in the practice of medicine, as defined in 37-3-102, and as provided in this chapter and a physician
9 assistant may not be employed or practice as a physician assistant unless the physician assistant:

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11 (1) — is licensed by the board department ;

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13 (2) — has paid to the board department the applicable fees required by the board department ; and

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

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17 **Section 6** . Section 37-20-302, MCA, is amended to read:

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19 **"37-20-302. Application for and renewal of license -- fees.** (1) A person desiring to practice as a
20 physician assistant shall submit an application apply to the department on a form prescribed by the department
21 and pay all applicable fees to the department. The applicant shall provide the authorization necessary for the
22 release of records or other information necessary for licensure to the department. The burden of proving that
23 the applicant has complied with all application requirements is on the applicant. However, the department may
24 make an independent investigation to determine whether the applicant possesses the required qualifications
25 and whether the applicant has ever committed unprofessional conduct.

26
27 (2) — In order to renew a license, a physician assistant shall pay to the department a renewal fee as
28 prescribed by the board department . The renewal fee must be paid before the expiration date of the license,

1 as set forth in department rule. The department shall send renewal notices before the renewal is due. Except as
2 provided in 37-1-138, failure to pay a renewal fee results in the expiration of the license."

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4 **Section 7** ~~..~~ Section 37-20-401, MCA, is amended to read:

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6 **~~37-20-401.~~ Definitions.** As used in this chapter, the following definitions apply:

7 (1) ~~—"Board" means the Montana state board of medical examiners established in 2-15-1731.~~

8 (1) ~~—"Department" means the department of labor and industry provided for in Title 2, chapter 15,~~
9 ~~part 17.~~

10 (2) ~~—"Physician assistant" means an individual licensed pursuant to this chapter who provides~~
11 ~~medical services that may include but are not limited to examination, diagnosis, prescription of medications,~~
12 ~~and treatment."~~

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- END -