

1 House BILL NO. 667
 2 INTRODUCED BY Marko Delaney
 3 MERCER

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE BOARD OF
 5 MEDICAL EXAMINERS TO HIRE ADDITIONAL STAFF AND FUND ANY
 6 ADDITIONAL POSITION THROUGH AN INCREASE IN THE LICENSE FEES
 7 PAID BY LICENSED PHYSICIANS; AMENDING SECTION 37-3-203, MCA;
 8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
 10 WHEREAS, the workload of the Board of Medical Examiners
 11 has increased significantly; and

12 WHEREAS, additional staff is necessary for the Board to
 13 address the increased caseload, serve Montana's physicians
 14 and the public, and fulfill its statutory mandates; and

15 WHEREAS, the Legislature feels it is appropriate to
 16 allow the Board to hire additional staff and fund any new
 17 position through an increase in the license fees charged to
 18 licensed physicians.

19
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 **Section 1.** Section 37-3-203, MCA, is amended to read:

22 "37-3-203. Powers and duties. The board may:

23 (1) adopt rules necessary or proper to carry out parts
 24 1 through 3 of this chapter; the rules shall be fair,
 25 impartial, and nondiscriminatory;

1 (2) hold hearings and take evidence in matters relating
 2 to the exercise and performance of the powers and duties
 3 vested in the board;

4 (3) aid the county attorneys of this state in the
 5 enforcement of parts 1 through 3 of this chapter and the
 6 prosecution of persons, firms, associations, or corporations
 7 charged with violations of parts 1 through 3 of this
 8 chapter;

9 (4) establish a program to assist and rehabilitate
 10 licensed physicians who are found to be physically or
 11 mentally impaired by habitual intemperance or the excessive
 12 use of narcotic drugs, alcohol, or any other drug or
 13 substance; and

14 (5) select an executive secretary to be hired by the
 15 department to:

16 (a) provide services to the board in connection with
 17 the board's duties under this chapter;

18 (b) assist in prosecution and matters of license
 19 discipline under this chapter; and

20 (c) administer the board's affairs; and

21 (6) hire additional staff to administer the provisions
 22 of this chapter and increase physician license fees as
 23 necessary to fund any additional staff position."

24 NEW SECTION. **Section 2.** Effective date. [This act] is
 25 effective on passage and approval.

-End-
 -2-

INTRODUCED BILL
 HB 667

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0667, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to allow the Board of Medical Examiners to hire additional staff and fund any additional positions through an increase in the license fees paid by licensed physicians.

ASSUMPTIONS:


1. The Board of Medical Examiners needs an additional 1.00 FTE at a grade 13/step 2 due to current overloads in processing legal complaints and enforcement activities. The additional position would manage 65 complaints per year, process 26 investigations per year and assist with 13 contested cases per year.
2. The Professional and Occupational Licensing Bureau (POL Bureau) of the Department of Commerce will collect license fees and process applications, licenses, examinations, registry of licensees, administrative support for disciplinary procedures and board meetings. The additional services caused by the proposed legislation will require an additional 0.25 FTE. The increased administrative overhead cost must be reflected in the POL Bureau budget.
3. The additional position and associated costs will cause an \$8 increase in annual license fees. The Board of Medical Examiners has a registry of 4,466 licenses.
4. Current law is represented by the executive budget recommendation for the Board of Medical Examiners of the Department of Commerce.

FISCAL IMPACT:Brd. of Medical Examiners:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	1.00	2.00	1.00	1.00	2.00	1.00
Personal Services	44,713	69,722	25,009	44,667	71,027	26,360
Operating Expenses	247,510	257,461	9,951	246,633	255,871	9,238
Equipment	0	4,432	4,432	0	0	0
Total	292,223	331,615	39,392	291,300	326,898	35,598
<u>Funding:</u>						
State Special	292,223	331,615	39,392	291,300	326,898	35,598
<u>Revenues:</u>	291,574	328,726	37,152	291,574	328,726	37,152

TECHNICAL NOTES:

As drafted, the bill appears to allow the board to hire staff without limits or legislative approval. In addition, contrary to 2-15-121(2)(d), MCA, the bill appears to allow the board rather than the Department of Commerce, to hire staff. The department hires staff in accord with current law and the standard of practice.


 ROD SUNDSTED, BUDGET DIRECTOR 2-11-91
 DATE
 Office of Budget and Program Planning


 PAULA A. DARKO, PRIMARY SPONSOR 2/13/91
 DATE

Fiscal Note for HB0667, as introduced

HB 667

HOUSE BILL NO. 667

INTRODUCED BY DARKO, R. JOHNSON, MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE BOARD OF MEDICAL EXAMINERS TO HIRE FUND ADDITIONAL STAFF ~~AND FUND ANY ADDITIONAL--POSITION,~~ HIRED BY THE DEPARTMENT OF COMMERCE, THROUGH AN INCREASE IN THE LICENSE FEES PAID BY LICENSED PHYSICIANS; AMENDING SECTION 37-3-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the workload of the Board of Medical Examiners has increased significantly; and

WHEREAS, additional staff is necessary for the Board to address the increased caseload, serve Montana's physicians and the public, and fulfill its statutory mandates; and

WHEREAS, the Legislature feels it is appropriate to allow the ~~Board~~ DEPARTMENT OF COMMERCE to hire additional staff and fund any new position through an increase in the license fees charged to licensed physicians BY THE BOARD.

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

Section 1. Section 37-3-203, MCA, is amended to read:

"37-3-203. Powers and duties. The board may:

(1) adopt rules necessary or proper to carry out parts 1 through 3 of this chapter; the rules shall be fair,

impartial, and nondiscriminatory;

(2) hold hearings and take evidence in matters relating to the exercise and performance of the powers and duties vested in the board;

(3) aid the county attorneys of this state in the enforcement of parts 1 through 3 of this chapter and the prosecution of persons, firms, associations, or corporations charged with violations of parts 1 through 3 of this chapter;

(4) establish a program to assist and rehabilitate licensed physicians who are found to be physically or mentally impaired by habitual intemperance or the excessive use of narcotic drugs, alcohol, or any other drug or substance; and

(5) select an executive secretary to be hired by the department to:

(a) provide services to the board in connection with the board's duties under this chapter;

(b) assist in prosecution and matters of license discipline under this chapter; and

(c) administer the board's affairs; and

(6) hire FUND additional staff, HIRED BY THE DEPARTMENT, to administer the provisions of this chapter and increase--physician, BY INCREASING license fees as necessary to-fund-any-additional-staff-position."



HB 0667/02

1 NEW SECTION. **Section 2.** Effective date. [This act] is
2 effective on passage and approval.

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