

SENATE BILL NO. 381

INTRODUCED BY JACOBSON, HAGER, KEATING, PAVLOVICH, COBB

IN THE SENATE

FEBRUARY 14, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 26, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 48; NOES, 1.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FIRST READING.

MARCH 13, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
AYES, 98; NOES, 0.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 23, 1991 RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 25, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.
SENT TO ENROLLING.
MARCH 28, 1991 REPORTED CORRECTLY ENROLLED.
MARCH 29, 1991 SIGNED BY PRESIDENT.
APRIL 2, 1991 SIGNED BY SPEAKER.
DELIVERED TO GOVERNOR.
APRIL 8, 1991 RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.
APRIL 9, 1991 SECOND READING, GOVERNOR'S
AMENDMENTS CONCURRED IN.
APRIL 10, 1991 THIRD READING, GOVERNOR'S
AMENDMENTS CONCURRED IN.
IN THE HOUSE
APRIL 12, 1991 SECOND READING, GOVERNOR'S
AMENDMENTS CONCURRED IN.
IN THE SENATE
APRIL 13, 1991 SENT TO ENROLLING.
REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 381
 2 INTRODUCED BY *Therese Hager* *Richard F. ...*
 3 *CEB*

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A BOARD OF
 5 ALLIED HEALTH CARE; PROVIDING FOR THE COMPOSITION OF THE
 6 BOARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. Section 1. Allied health care board --
 10 composition -- terms -- allocation. (1) There is a board of
 11 allied health care.

12 (2) The board consists of members appointed by the
 13 governor with the consent of the senate. The members are:

14 (a) two persons from each of the health care
 15 professions regulated by the board who have been actively
 16 engaged in the practice of their respective professions for
 17 at least 3 years preceding appointment to the board; and

18 (b) one public member who is not a member of a
 19 profession regulated by the board.

20 (3) The members must have been residents of this state
 21 for at least 3 years before appointment to the board.

22 (4) Following the initial appointment of members to the
 23 board, all members shall serve 4-year terms. A member may
 24 not be appointed for more than two consecutive terms. The
 25 governor may remove a member from the board for neglect of a

1 duty required by law, for incompetency, or for
 2 unprofessional or dishonorable conduct.

3 (5) The board is allocated to the department for
 4 administrative purposes only, as prescribed in 2-15-121.

5 (6) The board is designated a quasi-judicial board for
 6 the purposes of 2-15-124, except that one member of the
 7 board need not be an attorney licensed to practice law in
 8 this state."

9 NEW SECTION. Section 2. Initial appointments. (1) The
 10 two members who are initially appointed to the board of
 11 allied health care from the professions regulated by the
 12 board must be appointed:

- 13 (a) one for a term of 4 years; and
- 14 (b) one for a term of 6 years.

15 (2) After the initial terms are served, the members
 16 from the professions are appointed for 4-year terms in
 17 accordance with [section 1].

18 NEW SECTION. Section 3. Coordination instruction. (1)
 19 If Senate Bill No. 172 is passed and approved and if it
 20 contains a section of law creating the board of direct-entry
 21 midwifery and a section of law defining the term "board" as
 22 the board of direct-entry midwifery, then the section in
 23 Senate Bill No. 172 creating the board of direct-entry
 24 midwifery is void and the section in Senate Bill No. 172
 25 defining the board must provide that "board" means the board



1 of allied health care established in [section 1 of this
 2 act]. Any reference to the term "board" in Senate Bill No.
 3 172 must then be construed to mean the board of allied
 4 health care established in [section 1 of this act], and any
 5 reference in Senate Bill No. 172 to the bill section
 6 creating the board of direct-entry midwifery must be
 7 construed as a reference to [section 1 of this act].

8 (2) If Senate Bill No. 66 is passed and approved and if
 9 it contains a section of law creating the board of
 10 naturopathic physicians and a section of law defining the
 11 term "board" as the board of naturopathic physicians, then
 12 the section of law in Senate Bill No. 66 creating the board
 13 of naturopathic physicians is void and the section of law in
 14 Senate Bill No. 66 defining the board must provide that the
 15 term "board" means the board of allied health care as
 16 established in [section 1 of this act]. Any reference to the
 17 term "board" in Senate Bill No. 66 must then be construed to
 18 mean the board of allied health care established in [section
 19 1 of this act], and any reference in Senate Bill No. 66 to
 20 the bill section creating the board of naturopathic
 21 physicians must be construed as a reference to [section 1 of
 22 this act].

23 NEW SECTION. Section 4. Codification instruction.
 24 [Section 1] is intended to be codified as an integral part
 25 of Title 2, chapter 15, part 18, and the provisions of Title

1 2, chapter 15, part 18, apply to [section 1].

2 NEW SECTION. Section 5. Effective date. [This act] is
 3 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0381, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing a Board of Allied Health Care; providing for the composition of the board; and providing an immediate effective date.


ASSUMPTIONS:

1. The proposed Board of Allied Health Care will administer the provisions pertaining to licensed midwives and licensed naturopathic physicians. During FY92 the proposed board will issue 25 midwifery licenses and 14 naturopathic physician licenses. During FY93 the proposed board will issue 15 midwifery licenses and 14 naturopathic physician licenses.
2. The proposed board will meet six times during its initial year of operation and four times during subsequent years. The board will need one day to conduct its business. Travel cost will be \$500 per meeting.
3. Board expenses will include per diem, travel, supplies, communications, postage, printing and administrative overhead.
4. The Professional and Occupation Licensing Bureau (POL Bureau) will collect license fees, process the adoption of rules, applications and licenses, examinations, registry of licensees, administrative support for disciplinary procedures, reciprocity licenses, and board meetings. These additional services will require an additional 0.15 FTE in the POL Bureau. Administrative overhead charges for the above services must be reflected in the POL Bureau budget.

FISCAL IMPACT:

Brd. of Allied Health Care:

	FY '92			FY '93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Personal Services	0	1,500	1,500	0	1,000	1,000
Operating Costs	0	12,747	12,747	0	11,387	11,387
Equipment	0	450	450	0	0	0
Total	0	14,697	14,697	0	12,387	12,387
<u>Funding:</u>						
State Special	0	14,697	14,697	0	12,387	12,387
<u>Revenues:</u>						
Health Care Fees (02)	0	15,150	15,150	0	18,800	18,800


 _____ 2-20-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 _____ 2/24/91
 JUDY H. JACOBSON, PRIMARY SPONSOR DATE

Fiscal Note for SB0381, as introduced **SB 381**

SENATE BILL NO. 381

INTRODUCED BY JACOBSON, HAGER, KEATING, PAVLOVICH, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A BOARD OF ALLIED HEALTH CARE; PROVIDING FOR THE COMPOSITION OF THE BOARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Allied health care board --

composition -- terms -- allocation. (1) There is a board of allied health care.

(2) The board consists of members appointed by the governor with the consent of the senate. The members are:

(a) two persons from each of the health care professions regulated by the board who have been actively engaged in the practice of their respective professions for at least 3 years preceding appointment to the board; and

(b) one public member who is not a member of a profession regulated by the board; AND

(C) ONE NONVOTING MEMBER WHO IS A PHYSICIAN PRESENTLY ENGAGED IN THE PRACTICE OF MEDICINE IN THIS STATE.

(3) The members must have been residents of this state for at least 3 years before appointment to the board.

(4) Following the initial appointment of members to the board, all members shall serve 4-year terms. A member may

not be appointed for more than two consecutive terms. The governor may remove a member from the board for neglect of a duty required by law, for incompetency, or for unprofessional or dishonorable conduct.

(5) The board is allocated to the department for administrative purposes only, as prescribed in 2-15-121.

(6) The board is designated a quasi-judicial board for the purposes of 2-15-124, except that one member of the board need not be an attorney licensed to practice law in this state."

NEW SECTION. Section 2. Initial appointments. (1) The

two members who are initially appointed to the board of allied health care from the professions regulated by the board must be appointed:

(a) one for a term of 4 years; and

(b) one for a term of 6 years.

(2) After the initial terms are served, the members from the professions are appointed for 4-year terms in accordance with [section 1].

NEW SECTION. Section 3. Coordination instruction. (1)

If Senate Bill No. 172 is passed and approved and if it contains a section of law creating the board of direct-entry midwifery and a section of law defining the term "board" as the board of direct-entry midwifery, then the section in Senate Bill No. 172 creating the board of direct-entry

1 midwifery is void and the section in Senate Bill No. 172
 2 defining the board must provide that "board" means the board
 3 of allied health care established in [section 1 of this
 4 act]. Any reference to the term "board" in Senate Bill No.
 5 172 must then be construed to mean the board of allied
 6 health care established in [section 1 of this act], and any
 7 reference in Senate Bill No. 172 to the bill section
 8 creating the board of direct-entry midwifery must be
 9 construed as a reference to [section 1 of this act].

10 (2) If Senate Bill No. 66 is passed and approved and if
 11 it contains a section of law creating the board of
 12 naturopathic physicians and a section of law defining the
 13 term "board" as the board of naturopathic physicians, then
 14 the section of law in Senate Bill No. 66 creating the board
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 16 Senate Bill No. 66 defining the board must provide that the
 17 term "board" means the board of allied health care as
 18 established in [section 1 of this act]. Any reference to the
 19 term "board" in Senate Bill No. 66 must then be construed to
 20 mean the board of allied health care established in [section
 21 1 of this act], and any reference in Senate Bill No. 66 to
 22 the bill section creating the board of naturopathic
 23 physicians must be construed as a reference to [section 1 of
 24 this act].

25 NEW SECTION. **Section 4.** Codification instruction.

1 [Section 1] is intended to be codified as an integral part
 2 of Title 2, chapter 15, part 18, and the provisions of Title
 3 2, chapter 15, part 18, apply to [section 1].

4 NEW SECTION. **Section 5.** Effective date. [This act] is
 5 effective on passage and approval.

-End-

1 SENATE BILL NO. 381

2 INTRODUCED BY JACOBSON, HAGER, KEATING, PAVLOVICH, COBB

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A BOARD OF
5 ALLIED HEALTH CARE; PROVIDING FOR THE COMPOSITION OF THE
6 BOARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9 NEW SECTION. Section 1. Allied health care board --10 composition -- terms -- allocation. (1) There is a board of
11 allied health care.12 (2) The board consists of members appointed by the
13 governor with the consent of the senate. The members are:14 (a) two persons from each of the health care
15 professions regulated by the board who have been actively
16 engaged in the practice of their respective professions for
17 at least 3 years preceding appointment to the board; and18 (b) one public member who is not a member of a
19 profession regulated by the board; AND20 (c) ONE NONVOTING MEMBER WHO IS A PHYSICIAN PRESENTLY
21 ENGAGED IN THE PRACTICE OF MEDICINE IN THIS STATE.22 (3) The members must have been residents of this state
23 for at least 3 years before appointment to the board.24 (4) Following the initial appointment of members to the
25 board, all members shall serve 4-year terms. A member may1 not be appointed for more than two consecutive terms. The
2 governor may remove a member from the board for neglect of a
3 duty required by law, for incompetency, or for
4 unprofessional or dishonorable conduct.5 (5) The board is allocated to the department for
6 administrative purposes only, as prescribed in 2-15-121.7 (6) The board is designated a quasi-judicial board for
8 the purposes of 2-15-124, except that one member of the
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10 this state."11 NEW SECTION. Section 2. Initial appointments. (1) The
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 3 2, chapter 15, part 18, apply to [section 1].

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 5 effective on passage and approval.

-End-

HOUSE STANDING COMMITTEE REPORT

March 13, 1991

Page 2 of 2

March 13, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 381 (third reading copy -- blue) be concurrred in as amended.

Signed: Angela Russell
Angela Russell, Chairman

Carried by: Rep. Johnson

And, that such amendments read:

1. Title, lines 4 and 5.

Strike: "A BOARD OF ALLIED"

Insert: "AN ALTERNATIVE"

2. Title, line 5.

Following: "CARE"

Insert: "BOARD"

3. Page 1, line 9.

Strike: "Allied"

Insert: "Alternative"

4. Page 1, lines 10 and 11.

Strike: "a board of allied"

Insert: "an alternative"

5. Page 1, line 11.

Following: "care"

Insert: "board"

6. Page 1, line 20.

Following: "A"

Insert: "Montana"

7. Page 1, lines 20 and 21.

Strike: "PRESENTLY ENGAGED IN THE PRACTICE OF MEDICINE IN THIS

STATE"

Insert: "whose practice includes obstetrics"

8. Page 2, lines 12 and 13.

Strike: "board of allied"

Insert: "alternative"

9. Page 2, line 13.

Following: "care"

Insert: "board"

10. Page 3, lines 2 and 3.

Strike: "board of allied"

Insert: "alternative"

11. Page 3, line 3.

Following: "care"

Insert: "board"

12. Page 3, line 5.

Strike: "board of allied"

Insert: "alternative"

13. Page 3, line 6.

Following: "care"

Insert: "board"

14. Page 3, line 17.

Strike: "board of allied"

Insert: "alternative"

Following: "care"

Insert: "board"

15. Page 3, line 20.

Strike: "board of allied"

Insert: "alternative"

Following: "care"

Insert: "board"

SB 381
HOUSE

SENATE BILL NO. 381

INTRODUCED BY JACOBSON, HAGER, KEATING, PAVLOVICH, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A BOARD OF ALLIED AN ALTERNATIVE HEALTH CARE BOARD; PROVIDING FOR THE COMPOSITION OF THE BOARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. ~~Allied~~ ALTERNATIVE health care board -- composition -- terms -- allocation. (1) There is a board-of-allied AN ALTERNATIVE health care BOARD.

(2) The board consists of members appointed by the governor with the consent of the senate. The members are:

(a) two persons from each of the health care professions regulated by the board who have been actively engaged in the practice of their respective professions for at least 3 years preceding appointment to the board; and

(b) one public member who is not a member of a profession regulated by the board; AND

(C) ONE NONVOTING MEMBER WHO IS A MONTANA PHYSICIAN PRESENTLY ENGAGED IN THE PRACTICE OF MEDICINE IN THIS STATE WHOSE PRACTICE INCLUDES OBSTETRICS.

(3) The members must have been residents of this state for at least 3 years before appointment to the board.

(4) Following the initial appointment of members to the board, all members shall serve 4-year terms. A member may not be appointed for more than two consecutive terms. The governor may remove a member from the board for neglect of a duty required by law, for incompetency, or for unprofessional or dishonorable conduct.

(5) The board is allocated to the department for administrative purposes only, as prescribed in 2-15-121.

(6) The board is designated a quasi-judicial board for the purposes of 2-15-124, except that one member of the board need not be an attorney licensed to practice law in this state.

NEW SECTION. Section 2. Initial appointments. (1) The two members who are initially appointed to the board-of-allied ALTERNATIVE health care BOARD from the professions regulated by the board must be appointed:

(a) one for a term of 4 years; and

(b) one for a term of 6 years.

(2) After the initial terms are served, the members from the professions are appointed for 4-year terms in accordance with [section 1].

NEW SECTION. Section 3. Coordination instruction. (1) If Senate Bill No. 172 is passed and approved and if it contains a section of law creating the board of direct-entry midwifery and a section of law defining the term "board" as



1 the board of direct-entry midwifery, then the section in
 2 Senate Bill No. 172 creating the board of direct-entry
 3 midwifery is void and the section in Senate Bill No. 172
 4 defining the board must provide that "board" means the ~~board~~
 5 ~~of-allied~~ ALTERNATIVE health care BOARD established in
 6 [section 1 of this act]. Any reference to the term "board"
 7 in Senate Bill No. 172 must then be construed to mean the
 8 ~~board-of-allied~~ ALTERNATIVE health care BOARD established in
 9 [section 1 of this act], and any reference in Senate Bill
 10 No. 172 to the bill section creating the board of
 11 direct-entry midwifery must be construed as a reference to
 12 [section 1 of this act].

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 14 it contains a section of law creating the board of
 15 naturopathic physicians and a section of law defining the
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 18 of naturopathic physicians is void and the section of law in
 19 Senate Bill No. 66 defining the board must provide that the
 20 term "board" means the ~~board-of-allied~~ ALTERNATIVE health
 21 care BOARD as established in [section 1 of this act]. Any
 22 reference to the term "board" in Senate Bill No. 66 must
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 6 2, chapter 15, part 18, apply to [section 1].

7 NEW SECTION. Section 5. Effective date. [This act] is
 8 effective on passage and approval.

-End-

GOVERNOR'S AMENDMENTS TO
SENATE BILL 381
(REFERENCE COPY, AS AMENDED)
APRIL 5, 1991

1. Page 2, line 21.
Following: "ONE"
Strike: "NONVOTING"

Gov. Amend.
SB 381

SENATE BILL NO. 381

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A BOARD OF ALLIED AN ALTERNATIVE HEALTH CARE BOARD; PROVIDING FOR THE COMPOSITION OF THE BOARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(2) The board consists of members appointed by the governor with the consent of the senate. The members are:

(a) two persons from each of the health care professions regulated by the board who have been actively engaged in the practice of their respective professions for at least 3 years preceding appointment to the board; and

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(C) ONE NONVOTING MEMBER WHO IS A MONTANA PHYSICIAN PRESENTLY-ENGAGED-IN-THE-PRACTICE-OF-MEDICINE-IN-THIS--STATE WHOSE PRACTICE INCLUDES OBSTETRICS.

(3) The members must have been residents of this state for at least 3 years before appointment to the board.

(4) Following the initial appointment of members to the board, all members shall serve 4-year terms. A member may not be appointed for more than two consecutive terms. The governor may remove a member from the board for neglect of a duty required by law, for incompetency, or for unprofessional or dishonorable conduct.

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 3 midwifery is void and the section in Senate Bill No. 172
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 5 of-~~allied~~ ALTERNATIVE health care BOARD established in
 6 [section 1 of this act]. Any reference to the term "board"
 7 in Senate Bill No. 172 must then be construed to mean the
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 19 Senate Bill No. 66 defining the board must provide that the
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 21 care BOARD as established in [section 1 of this act]. Any
 22 reference to the term "board" in Senate Bill No. 66 must
 23 then be construed to mean the board--of--~~allied~~ ALTERNATIVE
 24 health care BOARD established in [section 1 of this act],
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