

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

March 14, 1979

The twenty-fifth meeting of the Senate Public Health, Welfare and Safety Committee met in Room 410 of the State Capitol Building at 1:00 p.m. on March 14, 1979.

ROLL CALL: All Committee members were present.

CONSIDERATION OF HOUSE BILL 714: House Bill 714 is an act to amend Section 37-11-201, MCA, by removing the mandatory requirement of an annual mailing of a list of physical therapist licensees.

Representative Keyser, sponsor of House Bill 714, said that the Department of Occupational and Professional Licensing will upon request mail their list of physical therapists in the state. Now they also mail this list to all the hospitals and to all persons licensed to practice medicine in the state annually. This bill will stop that annual mailing and will save money.

Jerry Loendorf, Montana Medical Association, said that they were asked to put this bill out. It takes away the mandatory requirements. It is his understanding that people just throw the list away and then request a copy when they need it.

Chairman Rasmussen asked the Committee members if they have any questions. Senator Olson asked how many mailings go out now. Representative Keyser said he would guess that there are about 1000.

The hearing was closed on House Bill 714 at 1:05 p.m.

ACTION ON HOUSE BILL 714: Senator Ryan moved that House Bill 714 BE CONCURRED IN. The motion passed unanimously. Senator Ryan will carry the bill on the Senate floor.

CONSIDERATION OF HOUSE BILL 571: House Bill 571 is an act creating a Board of Physical Therapy Examiners and generally revising the physical therapy laws.

Witnesses supporting House Bill 571:

Jerome Connolly, Montana Physical Therapist Association
Vince Huntington, Physical Therapist
Bob Antonick, Physical Therapist
Sister Jan Delaney, Physical Therapist
Joe Lundman, Physical Therapist

Bob Michale, Physical Therapist
Tom Meagher, Physical Therapist
Bill Leary, Montana Hospital Association
Jerry Loendorf, Montana Medical Association

Representative Menahan, sponsor of House Bill 571, said he would let members of the physical therapists explain the bill.

Jerome Connolly, president of the Montana Physical Therapist Association, said that in the House committee they introduced four minor amendments to the bill. The bill was heard one week prior to transmittal date, and they feel this might be the reason the amendments did not get on the bill. He introduced the amendments to the Committee. On page 2, lines 17 through 22, a change is requested so that members on the board would more broadly represent all Montana physical therapists and not be tied to the Montana Physical Therapist Association. On page 18, lines 13 and 14, and lines 17 and 18, and on page 19, lines 6 through 9 strike "in the judgement of the board." The rationale for these amendments is that they feel this would put the board in a stronger legal position. The judgement would not be made by a three-member board. See Attachment "A" for Mr. Connolly's testimony.

Vince Huntington, physical therapist from Billings, spoke on the difficulties in the current licensing procedure. See Attachment "B."

Bob Antonick, physical therapist from Helena, spoke on the problems of accreditation. See Attachment "C."

Sister Jan Delaney, part-time physical therapist, spoke in support of House Bill 571. She thinks the bill would allow for a more professional application of the exam. This is currently not the case. When she took the exam it was not monitored. In the middle of the exam they were asked to change rooms and were put in a very small room with distractions which did not allow for optimum space or conditions for an exam. She thinks that with this bill they would be able to up-grade the profession.

Joe Lundman, physical therapist from Great Falls, spoke on the problems they have under current law in complying with Montana law requiring deinstitutionalization and mainstreaming of handicapped individuals into the public educational environment. See Attachment "D."

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Bob Michale, physical therapist, spoke on the aspect of peer review. See Attachment "E."

Tom Meager, Helena, spoke on the problem of supportive personnel. In 1977, it was called to their attention by the Department of Social and Rehabilitation Services that there is no provision for the use of supportive personnel in their current act. SRS issued an opinion at that time that services that weren't performed personally by the physical therapist would be ineligible for payment for those services. It was only after they sought a ruling that they were able to continue practice with the help of their supportive personnel. This bill will give them a law recognizing the supportive groups.

Bill Leary, Montana Hospital Association, said they think this bill is a considerable improvement over the current Montana law. They feel that as employers of a significant number of physical therapists that they want the protection that they are employing qualified personnel.

Jerry Loendorf, Montana Medical Association, said that the medical association supports this bill..

Chairman Rasmussen asked the Committee members if they have any questions. Senator Olson said he noticed the board would not have a lay member on it. Mr. Connolly said they are trying to keep the cost of their board to a minimum, and with a three-member board they could do this. With a public member they feel they would need more members. Senator Norman questioned that with the number of physical therapists and with the fees set in the bill that they would have enough money to operate. Mr. Connolly went through the budget prepared by Ed Carney. See Attachment "F." Senator Norman asked why on page 11, lines 16 through 20 were stricken. Mr. Connolly said the definition of physical therapist and the scope of practice has been defined in the law elsewhere. They felt that this was redundant. Senator Norman said that on page 17 the bill discusses foreign-trained physical therapists. He wanted to know if they have given any thought to a problem addressed in a bill by the medical examiners as to the ability to speak English. Mr. Huntington said the clause on the foreign-trained physical therapist dealt more with the Canadians. He thinks the English requirement would have to be worked out in the rules and regulations. Senator Norman said that on page 5, line 9, it says "not liable." He doesn't think

that putting it in a bill will exclude any civil action. Senator Hims1 said that on page 8, lines 7, 8, and 9 call for audit outside of the regular audit cycle that has been established. Mr. Connolly said he understands the sunset cycle is on a six-year basis. He doesn't know why the date was picked. Senator Hims1 asked about the part on page 15 that lets the board authorize a license without an examination if it wants to. Mr. Connolly said that this clause deals with reciprocity and those individuals that can be licensed without examination are licensed in another state. Senator Hims1 asked about their qualifications. Mr. Connolly said that on page 16 it provides that the requirements in that state must be equal to or greater than in this state. Senator Hims1 referred to the powers of the board and said he thinks the board should have an appeal power.

The hearing on House Bill 571 was closed at 1:40 p.m. See Exhibit "A" for supporting letters.

CONSIDERATION OF HOUSE BILL 316: House Bill 316 is an act to require food service establishments to distinguish between hamburger and imitation hamburger in advertisement of products for sale and to advertise the list of ingredients in imitation hamburger.

Representative Hand, sponsor of House Bill 316, said this bill is an attempt to address the use of unsuspected extenders in hamburger by requiring that those who serve such things declare that they are doing it. He said this is an amendment to the Montana Food and Drug Act. He went through the changes in the bill and said that the brand new section on page 12 is really the crux of the bill.

Vern Sloulin, Department of Health and Environmental Sciences, said his bureau would be involved in the administering of this amendment to the Act. He said that Montana has one of the highest standards of hamburger in the nation. There is only one other state that allows less fat than Montana does. This state allows 20 percent. They now collect about 300 samples per year from meat markets to determine the content. With this amendment they would take some of these samples from restaurants and drive-ins to determine that what they are selling is really hamburger. He said they have done a little of this in the past for the owners of the restaurants and have found in some cases that the restaurant owner has purchased other than pure hamburger at the cost of pure hamburger.

Alice Fryslie, Montana Cattlemens' Association, said that those in the production of beef have tried for years to make a distinction in quality. They feel this is a step in the right direction.

Representative Hand closed testimony by saying that as the two witnesses have said this is a slow way to get started, but this is a way to start.

Chairman Rasmussen asked the Committee members if they have any questions. Senator Norman asked if suet is fat and if you can add to the suet. Mr. Sloulin said that suet is the fat that is naturally in the product, and you can add to the suet if the total does not exceed 20 percent. Senator Himsl asked about the extenders and if the federal government allows so much bone. Mr. Sloulin said that Montana is in conflict with federal law. The federal government will permit 30 percent fat. Senator Himsl asked about the fact that Montana has only federal inspectors and about the federal plants. Mr. Sloulin said the federal plants will make up 20 percent meat. Senator Olson asked what a binder is. Mr. Sloulin said that is a material in the product to hold it together, such as soy flour. Ms. Fryslie said that there is a resolution to urge Congress to check into the meat thing. Senator Melcher is working on this, and he thinks the 30 percent allowance will probably come down to 20 percent in the near future.

The hearing on House Bill 316 was closed at 1:50 p.m.

CONSIDERATION OF HOUSE BILL 810: House Bill 810 is an act to accelerate the periodic agency evaluation of the Board of Sanitarians, Department of Professional and Occupational Licensing.

Representative Sheldon, sponsor of House Bill 810, said this bill simply says that the Board of Sanitarians should be looked at in 1981 to determine whether or not they should be sunsetted. He said that there was trouble this time deciding whether they should be, and it was decided not to sunset them at this time.

Chairman Rasmussen asked the Committee members if they have any questions. Chairman Rasmussen asked if the board was audited in 1978. Senator Himsl said this bill moves them up two years for audit. They were scheduled to be reviewed in 1983. Senator Himsl asked if there is a reason for advancing them. Representative Sheldon said they couldn't find a good reason to keep them, and the decision was made to take another look in two years. There seemed to be some question of their

need. Senator Lensink asked if they were audited this past year. Representative Sheldon said the audit committee did have a look at them. There was to be another bill to take a look at all the boards, and that bill was killed. Therefore, they had to do something else to get them reviewed.

The hearing on House Bill 810 was closed at 2:05 p.m.

ACTION ON HOUSE BILL 810: Senator Lensink moved that House Bill 810 BE CONCURRED IN. The motion passed unanimously. Senator Himsl will carry the bill on the Senate floor.

ACTION ON HOUSE BILL 571: Senator Himsl said that in reviewing the boards there are some boards in which the members have not very well exercised their prerogatives of a board. They excuse themselves from taking any real action until the people are found guilty by someone else. Therefore, he is not in favor of incorporating the one amendment proposed. He thinks that if the board has the power to license it should also have the power to revoke the license and then let the person appeal. Senator Rasmussen moved that the amendments presented by the Montana Physical Therapists Association which relates to having members other than association members involved in the board be adopted. The motion passed. A discussion followed on whether the board should include a lay member. It was decided to leave the board at three and not include a lay member. Chairman Rasmussen asked if this has to go through Appropriations. Senator Himsl said this is mandated money. Most of these boards need \$10,000. A discussion followed on the budget prepared by Mr. Carney. Senator Himsl asked Mr. Huntington if he didn't think that a better approach would be to get a couple of their members on the Board of Examiners. He is afraid that this board would end up like a lot of other boards who are too broke to do anything. Mr. Huntington said that the Board of Medical Examiners is in favor of having them go. It takes them about three years to get on their agenda, and they can't get with them to get any action. He does not think that they are about to let a physical therapist on their board.

Senator Lensink moved that House Bill 571 BE CONCURRED IN. A roll call vote was taken. The motion passed five to two. Senator Lensink will carry the bill on the Senate floor.

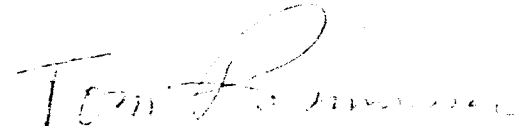
ACTION ON HOUSE BILL 316: Senator Norman moved that House Bill 316 BE CONCURRED IN. Senator Himsl said he has a problem on the practical application and how this is going to be policed. A roll call vote was taken. The motion passed by a vote of five to two. Senator Norman will carry the bill on the Senate floor.

ACTION ON HOUSE BILL 324: Senator Lensink moved that House Bill 324 BE NOT CONCURRED IN. Senator Himsl said this is the one where the alcohol program is going to be at Galen, and they are going to bring the families down there. Senator Ryan said they do this now. Senator Lensink said he thinks this amounts to putting the Senate's approval on it and then they would continue to expand their services. A roll call vote was taken. The motion passed five to one.

ACTION ON HOUSE BILL 593: Senator Himsl said he had a call from one of the people responsible for this bill, and he expressed some concern about mandatory autopsies in the case of a hotel fire. He said this bill wasn't really what they wanted. Senator Lensink said the coroner now has discretionary power and so does the county attorney and Attorney General. Senator Ryan said he looked up the word "structure" because it bothered him, and this could involve automobiles or any other thing that has defined lines. He thinks that we would be doing all kinds of autopsies with this bill. Senator Lensink moved that House Bill 593 BE NOT CONCURRED IN. A roll call vote was taken. The motion passed with a vote of four to two.

ACTION ON HOUSE BILL 655: Senator Norman moved that House Bill 655 BE NOT CONCURRED IN. He withdrew his motion until the Committee could look at the amendments. Senator Lensink said he doesn't think the amendments could patch the bill up enough to make it work. Senator Himsl said this bill is not totally without merit if we could take some of these people out of nursing homes. Senator Norman said the rate in Missoula is \$350. SSI only pays \$190. Senator Olson said he had a call from a lady who lives near the home in Missoula who said that there is no supervision there and the state should look into it. Senator Norman said he doesn't feel that the state will save any money on this. Medicaid won't pay anything, so the state will have to pay 100 percent. The fees at nursing homes are based on cost plus and a mix of patients help keep the fees down. If you take away the patients who are easy to care for, their costs will have to go up. Senator Lensink said he would rather see an emphasis on home health care. Senator Norman moved that House Bill 655 BE NOT CONCURRED IN. A roll call vote was taken. The motion passed by a vote of four to two.

ADJOURNMENT: There being no further business discussed, the meeting was adjourned at 2:55 p.m.



SENATOR A. T. RASMUSSEN,
CHAIRMAN

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3-14-79 House Bill No. 714 Time 1:05 p.m.

NAME	YES	NO
Senator Matt V. Himsel	✓	
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer	✓	
Senator Patrick Ryan	✓	
Senator S. A. Olson, Vice-Chairman	✓	
Senator A. T. Rasmussen, Chairman	✓	

Judy Z. Olson
Secretary

Tom Rasmussen
Chairman

Motion: HB 714 - Re. Passed in

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3-14-79 House Bill No. 210 Time 3:05 p.m.

NAME	YES	NO
Senator Matt V. Himsl	✓	
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer	✓	
Senator Patrick Ryan	✓	
Senator S. A. Olson, Vice-Chairman	✓	
Senator A. T. Rasmussen, Chairman	✓	

Robert Olson
Secretary

Tom Rasmussen
Chairman

Motion: H.B. 210 - Re House bill

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3-14-79 4 Bill No. 71 Time 2:30 p.m.

NAME	YES	NO
Senator Matt V. Himsl		✓
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer	✓	
Senator Patrick Ryan	✓	
Senator S. A. Olson, Vice-Chairman		
Senator A. T. Rasmussen, Chairman		

Carol Olson
Secretary

Tom Rasmussen
Chairman

Motion: H.B. 571 as amended by the committee

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3/14/77 11:00 Bill No. 316 Time 11:00 AM.

NAME	YES	NO
Senator Matt V. Himsl		✓
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer		
Senator Patrick Ryan		
Senator S. A. Olson, Vice-Chairman		✓
Senator A. T. Rasmussen, Chairman		

Andy V. Himsl
Secretary

Tom Rasmussen
Chairman

Motion: HR 316 - Bill to amend the

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3-14-79 Change Bill No. 100 L Time 2:10 p.m.

NAME	YES	NO
Senator Matt V. Himsl	<input checked="" type="checkbox"/>	
Senator Everett R. Lensink	<input checked="" type="checkbox"/>	
Senator Bill Norman	<input checked="" type="checkbox"/>	
Senator Bob Palmer	<u>Absent</u>	
Senator Patrick Ryan		<input checked="" type="checkbox"/>
Senator S. A. Olson, Vice-Chairman	<input checked="" type="checkbox"/>	
Senator A. T. Rasmussen, Chairman	<input checked="" type="checkbox"/>	

Carol A. Olson
Secretary

Tom Rasmussen
Chairman

Motion: APPROX - Not recommended

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3-14-79 Bill No. 592 Time 2:45 p.m.

NAME	YES	NO
Senator Matt V. Hims1	✓	
Senator Everett R. Lensink	✓	
Senator Bill Norman		✓
Senator Bob Palmer	11/20/79	
Senator Patrick Ryan	✓	
Senator S. A. Olson, Vice-Chairman		✓
Senator A. T. Rasmussen, Chairman	✓	

Kathy J. Olson
Secretary

Tom Rasmussen
Chairman

Motion: HB 592 - B. H. + C. and well T.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3-14-79 Bill No. 600 Time 2:55 p.m.

NAME	YES	NO
Senator Matt V. Himsl		✓
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer	4 absent	
Senator Patrick Ryan		
Senator S. A. Olson, Vice-Chairman	✓	
Senator A. T. Rasmussen, Chairman	✓	

Barry L. Olson
Secretary

Tom Rasmussen
Chairman

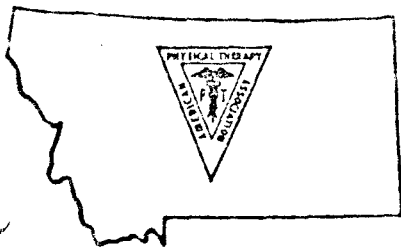
Motion: HR 600 - Public Health Committee Report

(include enough information on motion--put with yellow copy of committee report.)

DATE 9-14-79COMMITTEE ON Public HealthHOUSE BILL NO. 514 571714-514

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Jella Jacobsen	North American Council	—	—
Jennifer Smith	Fire Society	—	—
Chri Lind	Boy Scouts	—	—
Jenna Smith	Carl Scott	—	—
Chris Kuma	Boy Scouts	—	—
James J. Murphy	Boy Scouts	—	—
Kevin Hickey	Boy Scouts	—	—
Red Kline	Boy Scouts	—	—
Joe Cassidy	Boy Scouts	—	—
Don Murphy	Boy Scouts	—	—
John J. Smith	M.F.S.	7/4/79	—
Robert Huntington	Physical Therapy	571	—
Robert W. Smith	Physical Therapy	571	—
Dr. John O'Brien	Physical Therapy #571	✓	—
Thomas G. Whitaker	—	✓	—
James R. Connolly	Physical Therapy #571	✓	—
Ken Galt	Boy Scouts	✓	—
John Mervin	Boy Scouts	✓	—
Paul J. O'Brien	Boy Scouts	—	—
Paul J. O'Brien	What Happened	HHS 571	—
John J. O'Brien	Boy Scouts	—	—
Susan J. O'Brien	Boy Scouts	—	—
John J. O'Brien	Boy Scouts	—	—
John J. O'Brien	Physical Therapy	571	—
John J. O'Brien	Physical Therapy	571	—
John J. O'Brien	Physical Therapy	571	—
John J. O'Brien	Physical Therapy	571	—



MONTANA CHAPTER

OF THE

AMERICAN PHYSICAL THERAPY ASSOCIATION

PHYSICAL THERAPISTS HAVE BEEN LICENSED IN MONTANA SINCE 1961. NEARLY TWO YEARS AGO, OUR ORGANIZATION, THE MONTANA CHAPTER OF THE AMERICAN PHYSICAL THERAPY ASSOCIATION WAS NOTIFIED BY THE AMERICAN PHYSICAL THERAPY ASSOCIATION (APTA) THAT THE PHYSICAL THERAPIST PRACTICE ACT OF MONTANA HAD BEEN REVIEWED AND CLASSIFIED BY THE SECTION ON LICENSURE AND REGULATION. THE CLASSIFICATION "PERMISSIVE" WAS GIVEN TO THIS PRESENT LAW AND IT WAS INDICATED THAT A LAW OF THIS NATURE PROVIDES LITTLE, IF ANY, PROTECTION FOR THE PUBLIC.

BASED ON THIS INFORMATION AND ON THE FACT THAT THE APTA IS NOW THE ACCREDITING BODY FOR PHYSICAL THERAPY AND PHYSICAL THERAPIST ASSISTANT SCHOOLS, THE MONTANA CHAPTER INITIATED EFFORTS A YEAR AND A HALF AGO TO PROPOSE THIS LEGISLATION YOU HAVE BEFORE YOUR COMMITTEE.

THESE EFFORTS INCLUDED INPUT FROM VIRTUALLY EVERY DISCIPLINE OF PHYSICAL THERAPY AND WAS NOT LIMITED TO MEMBERSHIP PARTICIPATION. BUT RATHER, SEVERAL CONCEPTS PROPOSED BY NON-CHAPTER MEMBERS WERE IMPLEMENTED INTO THIS LEGISLATION.

THERE HAS BEEN SOME ARGUMENT RAISED WITHIN OUR PROFESSION THAT THIS BILL DOES NOT SUFFICIENTLY PROTECT THE INTERESTS OF THE PHYSICAL THERAPIST. INDEED, AS THE COMMITTEE IS AWARE, LEGISLATION OF THIS TYPE IS DESIGNED TO PROTECT THE PUBLIC AND NOT THE INTERESTS OF THE PROFESSIONAL LICENSEE. WE BELIEVE THAT THIS BILL CONTAINS MANY MEASURES WHICH PROVIDE FOR THE DESIRED PUBLIC PROTECTION.

IN 1961 WHEN LICENSURE FOR PHYSICAL THERAPISTS WAS IMPLEMENTED IN MONTANA, THERE WAS APPROXIMATELY TWENTY-FIVE (25) PHYSICAL THERAPISTS IN THE STATE. IT WAS LOGICAL AT THE TIME TO PLACE THE REGULATION OF THIS PROFESSION UNDER THE PURVIEW OF THE BOARD OF MEDICAL EXAMINERS.

THERE ARE NOW ONE HUNDRED SIXTY (160) PHYSICAL THERAPISTS LICENSED IN MONTANA, AND IN ORDER FOR THE PUBLIC TO BE PROVIDED OPTIMAL PROTECTION, A SEPARATE BOARD OF PHYSICAL THERAPY EXAMINERS IS NECESSARY.

SUCH A BOARD WOULD DEAL SOLELY, SPECIFICALLY, AND COMPREHENSIVELY WITH THE ISSUES RELATIVE TO THE PRACTICE OF PHYSICAL THERAPY IN MONTANA. IT WOULD SELECT, ADMINISTER AND PROCTOR THE EXAMINATION. IT WOULD INSURE THAT THE EXAM IS ADMINISTERED IN A PROFESSIONAL AND RESPONSIBLE MANNER, WHICH THE CHAPTER HAS REASON TO BELIEVE IS NOT THE CASE PRESENTLY.

WHILE THE MONTANA CHAPTER HAS BEEN INSTRUMENTAL IN THE DEVELOPMENT OF THIS BILL, IT MUST BE EMPHASIZED THAT A BOARD OF PHYSICAL THERAPY EXAMINERS WILL BE IN NO WAY ASSOCIATED WITH THE MONTANA CHAPTER. AND THAT MEMBERSHIP IN THE MONTANA CHAPTER IS NOT A PREREQUISITE TO QUALIFYING TO BE A MEMBER OF THE BOARD OF PHYSICAL THERAPY EXAMINERS.

THROUGHOUT THE EIGHTEEN (18) YEAR COURSE OF ADMINISTERING THE PHYSICAL THERAPIST PRACTICE ACT OF MONTANA, THERE HAVE BEEN NO LICENSES REVOKED OR SUSPENDED, AND AS NEAR AS CAN BE ASCERTAINED ONLY ONE APPLICANT HAS BEEN DENIED LICENSURE IN THE PAST SEVEN YEARS.

THIS IS LARGELY DUE TO THE FACT THAT MONTANA HAS, BY FAR, THE LOWEST EXAMINATION PASSING SCORE IN THE NATION, WHICH ALLOWS A PERSON TO GAIN LICENSURE TO PRACTICE PHYSICAL THERAPY.

THIS INDEED HAS FAR-REACHING IMPLICATIONS. WITH THE POSSIBILITY OF A FULLY ACCREDITED PHYSICAL THERAPY PROGRAM AT THE UNIVERSITY OF MONTANA, GRADUATES OF SUCH A PROGRAM WOULD UNDOUBTEDLY TAKE THE LICENSURE EXAMINATION IN MONTANA. SINCE MONTANA ENJOYS RECIPROCITY WITH FORTY-SEVEN (47) OTHER STATES, NOT ONLY DOES THIS JEOPARDIZE THE PROTECTION OF THE MONTANA PUBLIC, BUT OF MOST OF THE NATION AS WELL. THE REVISIONS CONTAINED IN THIS BILL ARE NECESSARY TO INSURE THE PUBLIC THAT THE INDIVIDUALS LICENSED TO PRACTICE PHYSICAL THERAPY HAVE MET STRICT REQUIREMENTS AND QUALIFICATIONS.

IN 1981, THE BOARD OF MEDICAL EXAMINERS WILL BE REVIEWED AND AUDITED IN ACCORDANCE WITH THE SUNSET LAW. THE ADMINISTRATION OF THE PHYSICAL THERAPIST PRACTICE ACT WILL BE REVIEWED SEPARATELY BUT IN CONJUNCTION WITH THE OVERALL AUDIT.

GIVEN THE AFOREMENTIONED STATISTICS, THE AUDIT WILL UNDOUBTEDLY REVEAL THAT ADMINISTRATION OF THE PHYSICAL THERAPIST PRACTICE ACT UNDER THE PRESENT ARRANGEMENT IS NOT PROVIDING ADEQUATE PROTECTION OF THE PUBLIC. IT IS FOR THIS REASON, THAT A SEPARATE BOARD OF PHYSICAL THERAPY EXAMINERS IS NECESSARY. THE EVENTUAL AUDIT IN 1985 OF THE NEWLY CREATED BOARD OF PHYSICAL THERAPY EXAMINERS, WE FEEL, WILL REVEAL THAT ADEQUATE PUBLIC PROTECTION WILL HAVE BEEN PROVIDED.

IT SHOULD BE NOTED THAT PHYSICAL THERAPY IS PRESENTLY A LICENSED PROFESSION IN MONTANA AND THAT THERE IS A PRACTICE ACT IN FORCE. AND THAT THERE IS A BOARD WHICH ADMINISTERS THIS PRACTICE ACT AND REGULATE THE PROFESSION. THIS PROPOSED BILL ONLY MOVES THIS JURISDICTION TO ANOTHER, MORE EFFECTIVE CHANNEL.

ASIDE FROM CREATING A BOARD OF PHYSICAL THERAPY EXAMINERS, THIS BILL CONTAINS SEVERAL OTHER IMPORTANT ASPECTS AND THESE ARE SIGNIFICANT CHANGES FROM THE PRESENT LAW:

1. THE DEFINITION OF PHYSICAL THERAPY, GROSSLY OUTDATED IN THE PRESENT LAW, HAS BEEN EXPANDED TO REFLECT THE CHANGES WHICH HAVE OCCURRED IN PHYSICAL THERAPY PRACTICE AND EDUCATION IN THE PAST EIGHTEEN (18) YEARS.
2. THE PHYSICAL THERAPIST ASSISTANT IS DEFINED AND INCLUDED AS A RECOGNIZED ENTITY AND A GRADUATE OF AN ACCREDITED CURRICULUM. SINCE THESE INDIVIDUALS WORK UNDER THE SUPERVISION OF THE LICENSED PHYSICAL THERAPIST, NO LICENSURE FOR THE ASSISTANT IS BEING SOUGHT.
3. THE PHYSICAL THERAPY AIDE IS IDENTIFIED AND DEFINED AND JOB RESPONSIBILITIES DELINEATED.

4. THE CHANGE IN THE ACCREDITING AGENCY FOR PHYSICAL THERAPY SCHOOLS FROM THE AMERICAN MEDICAL ASSOCIATION TO THE AMERICAN PHYSICAL THERAPY ASSOCIATION IS REFLECTED.
5. THE FOREIGN-TRAINED PHYSICAL THERAPIST IS IDENTIFIED AND THE PROCEDURE FOR GAINING LICENSURE IS OUTLINED.
6. PROVISIONS FOR REVOCATION OR SUSPENSION OF LICENSE HAVE BEEN MADE. THE PRESENT LAW PROVIDES ONLY FOR REFUSAL TO RENEW A LICENSE. THIS MEANS THAT, UNDER THE PRESENT PRACTICE ACT, A LICENSED PHYSICAL THERAPIST WHO IS CONVICTED OF A CRIME OR FRAUDULENT ACTIVITY IN JANUARY, FOR EXAMPLE, COULD CONTINUE TO PRACTICE FOR NEARLY A YEAR BEFORE APPROPRIATE DISCIPLINARY ACTION COULD BE TAKEN.
7. PROVISIONS FOR LESSER DISCIPLINARY ACTION HAVE ALSO BEEN INCLUDED.

THE MONTANA CHAPTER FEELS STRONGLY THAT THESE AFOREMENTIONED CHANGES ARE ESSENTIAL IN ORDER TO PROVIDE ADEQUATE PROTECTION OF THE PUBLIC. AND WE THANK THIS COMMITTEE FOR ITS CONSCIENTIOUS DELIBERATION OF THIS BILL AND URGE ADOPTION OF A "DO PASS" RECOMMENDATION.

ATTACHMENT "B"

LICENSING PROCEDURE

I FEEL THE CURRENT LICENSING PROCEDURE IS AWKWARD, AND THE SOURCE OF MANY COMPLAINTS BY PHYSICAL THERAPISTS ATTEMPTING TO GAIN LICENSURE IN MONTANA. THE DIFFICULTY LIES IN THE TENUOUS PAPERWORK JUNGLE THAT ACCOMPANIES THE PROCESS. THE PRESENT PROCESS, IN FACT, TENDS TO FREQUENTLY PROVIDE NEW THERAPISTS MOVING INTO MONTANA WITH THE ALTERNATIVE OF ILLEGALLY PRACTICING WITHOUT A LICENSE UNTIL THE PROCESS IS COMPLETED, OR LOSE THEIR JOBS AND/OR GO UP TO THREE MONTHS WITHOUT A SOURCE OF INCOME.

I HAVE PERSONALLY, AS HAS MR. CONNOLLY, MET WITH THE BOARD OF MEDICAL EXAMINERS AND WRITTEN SEVERAL LETTERS IN AN ATTEMPT TO IMPROVE THIS SITUATION. WHILE WE HAVE SOME RESPONSE AND IMPROVEMENT, THE MAJOR PROBLEMS CONTINUE.

I PERSONALLY DON'T FEEL THAT THE BOARD OF MEDICAL EXAMINERS HAS THE TIME OR THE EMPATHY TO EFFECTIVELY DEAL WITH THE PROBLEMS ARISING IN OUR PROFESSION.

A SURVEY FORWARDED TO US FROM THE NATIONAL OFFICES OF THE AMERICAN PHYSICAL THERAPY ASSOCIATION, REVEALS THAT THROUGHOUT THE UNITED STATES, 48 STATES HAVE PHYSICAL THERAPISTS ON THEIR LICENSING BOARDS, 19 OF WHICH HAVE BOARDS COMPOSED IN THEIR ENTIRETY OF PHYSICAL THERAPISTS AS A SEPARATE BOARD.

OUR PRESENT POSITION OF NO REPRESENTATION ON OUR LICENSING BOARD PLACES MONTANA PHYSICAL THERAPISTS IN A UNIQUELY UNDESIREABLE POSITION WHEN COMPARED TO THE NATIONAL STANDARD.

I STRONGLY URGE YOUR ASSISTANCE IN HELPING THE MONTANA PHYSICAL THERAPISTS RAISE THE LEVEL OF OUR STANDARDS FOR LICENSURE AND REGULATION TO A LEVEL MORE IN LINE WITH THE NATIONAL STANDARDS.

ATTACHMENT "C"

ACCREDITATION

THE PRESENT PRACTICE ACT PROVIDES THAT ONLY THOSE PHYSICAL THERAPISTS WHO ARE GRADUATES OF SCHOOLS ACCREDITED BY THE AMERICAN MEDICAL ASSOCIATION ARE ELIGIBLE FOR LICENSURE IN MONTANA.

NEWLY ACCREDITED PHYSICAL THERAPY SCHOOLS ARE NOW ACCREDITED BY THE AMERICAN PHYSICAL THERAPY ASSOCIATION.

THERE IS A STRONG POSSIBILITY THAT A FULLY ACCREDITED PHYSICAL THERAPY PROGRAM WILL BE INITIATED SOON AT THE UNIVERSITY OF MONTANA. THIS PROGRAM WILL BE ACCREDITED BY THE AMERICAN PHYSICAL THERAPY ASSOCIATION.

THIS MEANS THAT, UNDER THE PRESENT PRACTICE ACT, GRADUATES OF SUCH A UNIVERSITY OF MONTANA PROGRAM (AND OTHER NEWLY ACCREDITED PHYSICAL THERAPY SCHOOLS) WILL NOT BE ELIGIBLE FOR LICENSURE IN MONTANA.

HB 571 PASSAGE IS ESSENTIAL FOR THIS ACCREDITATION PROBLEM TO BE SOLVED.

MAINSTREAMING

FEDERAL LAW AND MONTANA LAW HAVE REQUIRED DE-INSTITUTIONALIZATION AND THE MAINSTREAMING OF HANDICAPPED INDIVIDUALS INTO THE PUBLIC EDUCATIONAL ENVIRONMENT.

THESE LAWS REQUIRE THAT PHYSICAL THERAPISTS, AND OTHER PRACTITIONERS, MUST BE AVAILABLE IN THE EDUCATIONAL SETTING. THE PRESENT PRACTICE ACT DOES NOT RECOGNIZE THE PRACTICE OF PHYSICAL THERAPY IN THIS SETTING.

IF PHYSICAL THERAPISTS ARE TO BE INSTRUMENTAL IN ACHIEVING THE DESIRED GOALS IN THE DE-INSTITUTIONALIZATION PROGRAM, REVISION OF THE PRESENT PHYSICAL THERAPY LICENSING LAW IS ESSENTIAL.

HB 571 ACHIEVES THOSE ESSENTIAL REVISIONS.

ATTACHMENT "E"

PEER REVIEW

FEDERAL STATUTE (PL 92-603) HAS MADE THE PROVISION FOR A PROCESS OF PEER REVIEW IN THE HEALTH CARE INDUSTRY. AS CLINICIANS IN THE MEDICAL FIELD, PHYSICAL THERAPISTS ARE INCLUDED IN THE PEER REVIEW PROCESS UNDER A SECTION IN THAT PUBLIC LAW REGULATING ALLIED HEALTH WORKERS.

AT PRESENT, WITH THE MONTANA FOUNDATION DOING PEER REVIEW ACTIVITIES, AND THE BOARD OF MEDICAL EXAMINERS PROVIDING LEGAL SANCTIONS FOR ACTIONS RECOMMENDED BY THE MONTANA FOUNDATION, THE THERAPISTS ARE NOT INVOLVED IN OUR OWN PEER REVIEW PROCESS. WHAT IS HAPPENING THEN, IS NOT PEER REVIEW, BUT A REVIEW OF PHYSICAL THERAPISTS BY PHYSICIANS.

WE FEEL THAT WITH THE IMMINENT APPROACH OF NATIONAL HEALTH INSURANCE, MORE PEER REVIEW THAN EVER WILL BE ENCOURAGED OR DEMANDED BY THE FEDERAL GOVERNMENT. WE, AS PHYSICAL THERAPISTS, WOULD LIKE TO BE IN A POSITION TO CONFORM AND COMPLY WITH THESE DEMANDS BY BEING THE LEGAL HEARING BODY FOR PHYSICAL THERAPISTS IN MONTANA, WITH SANCTIONS INCLUDED IN THE LAW TO ALLOW US TO ACT WHEN AND WHERE IT IS APPROPRIATE.

WE FEEL THAT THIS BILL (HB 571) ACCOMPLISHES THESE ENDS.

STATE OF MONTANA

DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING

HELENA, MONTANA 59601



ED CARNEY
DIRECTOR
LALONDE BUILDING
(406) 449-3717

January 15, 1979

To: Thomas K. Meagher, R.P.T., Chairman
Special Committee on Practice Act Revision
Montana Chapter of the American Physical Therapy Assn.
104 East 6th Avenue
Helena, Mt. 59601

From: Ed Carney 

Re: Proposed Legislation on Physical Therapy

As you know, I have had the opportunity to view the proposed changes in the present Physical Therapy Act and the creation of a board to handle physical therapy licensing and regulation.

The licensing of physical therapists was enacted in 1961 and very little change in the act has taken place since that date. I believe the revisions and update of the law are in order. The creation of a board with a separate earmarked revenue account should allow more time to be expended on this essential element of health care and remove the duty from the Medical Examiners. It should prove to be in the public interest.

NAME: V. Shumilov DATE: 3/14/69

ADDRESS: DEPT. H. J. & F. S. C.

PHONE: 449-2408

REPRESENTING WHOM? DEPT. H. J. & F. S. C.

APPEARING ON WHICH PROPOSAL: H. R. 316

DO YOU: SUPPORT? V AMEND? OPPOSE?

COMMENTS: OUR DEPT. WOULD BE INVOLVED
IN ADMINISTRATION OF THIS BILL
AND WE SEE NO OBJECTION.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.