MINUTES OF THE MEETING PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE MONTANA STATE SENATE

March 6, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Friday, March 6, 1981, at 12:30 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Himsl who was excused. Senators Johnson and Halligan arrived late. Kathleen Harrington, staff researcher, was also in attendance.

Many visitors were in attendance. (See attachments)

CONSIDERATION OF HOUSE BILL 7:

Representative Kerry Keyser of District 81, sponsor of HB 7, gave a brief resume.

This bill is an act regulating the untilization of physician's assistance.

<u>Section 1</u> states that the Board of Medical Examiners will be responsible for administering the act.

Section 2 states that a physician's assistant may not be employed unless he is supervised by a licensed physician and a physician's assistant utilization plan has been filed with the Board. The plan must include the name and qualifications of the physician and his assistant, the nature and location of the physician's practice, the duties and the location of the duties assigned to the assistant, and the name and qualifications of a second physician that would substitute for the supervising physician. The Board must approve the plan if it finds the duties assigned to the assistant have been assigned by the supervising physician and are within the scope of the training, knowledge, experience, and practice of both the physician and the assistant. However, the functions and duties of an optometrist may not be delegated under this act.

Section 3 outlines the qualification of the supervising physician and his assistants. The supervising physician must be licensed and must submit a statement concerning the qualifications of his assistant, and the type of supervision the assistant will receive, as well as information on his own qualifications and experience. The assistant must be of good character, a graduate of a physician's assistant training program, as well as having passed an examination on physician's assistants and hold current certification by the national commission on physician's assistants.

<u>Section 4</u> provides for a utilization plan approval fee. The approval of the plan will be in effect for one year and may be renewed under the original conditions. A renewal fee will also be charged.

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Section 5 provides a penalty for employing or practicing as a physician's assistant without Board approval. It also allows for withdrawal of approval under certain conditions.

<u>Section 6</u> provides for the exemption from approval of physicians, dentists and dental hygienists, osteopaths, podiatrists, pharmacists, nurses, nursing home administrators, optometrists, physical therapists chiropractors, acupunturists, radiologic technologists, speech pathologists, and audiologists, hearing aid dispensers, psychologists, and cosmetologists.

Section 7 provides that a physician's assistant may render services provided for in this act without having a physician's license.

Section 8 exempts a hospital or health care facility for liability with regard to the physician's assistant.

<u>Section 9</u> gives the Board rulemaking authority for implementing the provisions of the act.

Representative Keyser introduced a letter from Dr. Gene Wilkins of Ennis who supports this bill.

Ronald Haydlor, a physician's assistant from Ennis, stood in support of the bill. Mr. Haydlor stated that in their office, the doctor is able to handle the more serious cases and he, Mr. Haydlor, handles the routine colds and flu problems. However, if a more serious problem arises Dr. Wilkins is called in to diagnose and treat the patient. Quality patient care is of utmost importance.

Jerome Loendorf of the Montana Medical Association stood in support of the bill. He stated that he has worked on this bill since 1975. Mr. Loendorf offered some amendments to help improve the bill:

1) Page 3, line 7.
Following: "Chapter 10"
Insert: "nor shall this act be construed to prohibit physician's assistants from performing such functions and duties in

2) Page 4, line 10.
Following: "association"
Strike: ";"

accordance with Section 37-10-102."

Insert: "or a graduate of an approved medical school as defined in Section 37-3-102;"

It was the intent of the Board of Medical Examiners to take many things into consideration.

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Jerry King, a physician's assistant from the Mission Valley Clinic in St. Ignatius stood in support of the bill. He stated that most doctors believe this is a very viable way to help health care today. He than asked for the committees support of the bill.

D. Golos, a women's health care specialist trained in obstetrics and gynecology, stated that the purpose of his bill is to provide a means by which legitimately trained and competent P.A.'s can be identified and reviewed for the protection of the people of the United States. However, it would be inconsistent to provide that means for only one type of P.A. and ignore those trained within specialities who may be functioning insthe United States.

Jesse Brown of Scout Creek, Montana working under a doctor in a different town stated that the nearest hospital to his area is 55 miles away, that can mean the difference between life and death. His role in that rural area is very necessary.

Janice Bodley, an R.N. from Ennis, stated that she has worked with Ron Haydlor at the hospital there in Ennis. There is a definite need for P.A.'s. Nurses and P.A.'s are two separate fields, and they both compliment each other. Mrs. Bodley then asked for support from the Committee for the bill.

Senator Judy Jacobsen, representing the Butte-Silverbow district stood in support of the bill. Senator Jacobsen offered an amendment which would read as follows:

1) Page 9, line 10.
Following: "licenses and"
Insert: ",with the exception of those licensees who hold a medical degree,"

This would make it so that a person could not use the title "M.D." unless the title has been earned.

Dr. Richard Sims, chief of staff of the Boulder River School and Hospital told the Committee of the many problems which are encountered in their attempt to deliver health care to the severely handicapped. Treatment of the mentally retarded with their frequently associated neurological and other systemic maladies is somewhat sophisticated and specialized. Dr. Sims read from written testimony. He requested that the Committee give Careful scrutiny to HB 7, then vote favorably. (See attachment)

Senator Mike Anderson of Senate District 40, stood in support

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of the bill. Senator Anderson offered amendments, which he felt would improve the bill:

1) Page 1, line 20.
Following: "firm,"

Insert: "state institution"

2) Page 4, line 8. Following: "(b) be"

Insert: "a graduate of a medical college or"

3) Page 3, line 8.

Strike: "American medical association"
Insert: "board of medical examiners"

4) Page 4, line 12.

Strike: "national commission on physician's assistants"

Insert: "board of medical examiners"

5) Page 4, line 15 through 17.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections accordingly

Bill Hoffelder, a P.A. with the Air Force stationed in Great Falls, stated that there is a definite need for this bill. P.A.'s are a great help to the doctors and the general public as well.

With no further proponents, Chairman Hager called on the opponents. Hearing none, Representative Keyser closed. He stated that this bill is for the protection of the public. P.A.'s are needed to assist the doctors in their work. He asked for favorable consideration of House Bill 7.

The meeting was opened to a question and answer period from the committee.

Senator Berg asked if P.A.'s must be licensed. He was referred to page 5, subsection 2 of the bill.

Senator Norman brought up the question of malpractice suits and liability insurance. Most doctors carry liability insurance which covers their P.A. and also most hospitals carry insurance which would cover P.A.'s.

Dr. Norman asked what is the usual amount of insurance carried to cover P.A.;s. He was told \$150,000 is usually standard.

CONSIDERATION OF HOUSE BILL 531:

Representative Michael Keedy, of District 18, sponsor of HB 531, gave a brief resume. This bill is an act to provide a person access to his medical records. Representative Keedy stated that the bill has two parts: 1) the new wording, and 2) the existing

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law. Everyone has a legitimate interest in their physical condition and treatment and, therefore, should have access to their records.

Hearing no proponents, Chairman Hager called on the opponents.

Jerome Loendorf, representing the Montana Medical Association, stated that he felt HB53l could bring harm to the patient - doctor relations. He asked that the Committee oppose this bill.

Representative Keedy closed by saying that every patient has a right and a need to know his/her physical condition and treatment. He asked the Committee to support the bill.

The meeting was opened to a question and answer period from the Committee.

Senator Olson told of a patient he had several years ago, a female patient who had thyroid cancer. He did not feel that she could be told as she would worry herself to death. However, her family was told. He asked Representative Keedy what would his thoughts be on this matter. Representative Keedy stated that it is still a patients right to know a situation.

Senator Himsl asked if psychiatry records would be covered under this bill. Representative Keedy stated that psychiatry records would be covered under this bill.

Senator Norman asked Representative Keedy if he would concede that some information should be withheld from the patient or his family. Representative Keedy stated that if each patient wants to see his records, he should be able to do so.

Senator Berg stated that insurance companies can have the patient information at the present time, but not the patient.

Senator Himsl asked if this is the same as the right to see one's school records. Both rights are the very same.

Senator Norman stated that the more the records become public, the more meaningless they become.

Senator Hinsl asked if there is a need for this bill or is it a case of an individuals rights. Representative Keedy stated that it is both.

Records can be duplicated but the original X-rays are always better than the reproduction.

DISPOSITION OF HOUSE BILL 91:

This bill gives the deaf the same rights as the blind.

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A motion was made by Senator Berg to accept the following amendments:

- 1) Page 2, line 25.
 Following: "guide"
 Insert: "or hearing"
- 2) Page 3, line 2.
 Following: "guide"
 Insert: "or hearing"
- 3) Page 3, line 4.
 Following: "guide"
 Insert: "or hearing"
- 4) Page 3, line 8.
 Following: "guide"
 Insert: "or hearing"
 Folloiwng: "guide"
 Insert: "or hearing"
- 5) Page 3, line 11.
 Following: "guide"
 Insert: "or hearing"
- 6) Page 3, line 12.
 Following: "guide"
 Insert: "or hearing"

Motion carried unanimously.

A motion was made by Senator Berg that HB 91 receive a recommendatio of BE CONCURRED IN, as amended. Motion carried unanimously.

ANNOUNCEMENTS: Senate Bill 431 and Senate Bill 433 will be handled the week of March 9, 1981. The next meeting of the Public Health, Welfare, and Safety Committee will be held on March 9, 1981 in Room 410 to consider House Bills 420, 437,439, 632, and 717.

ADJOURNMENT: With no further business, the meeting was adjourned.

CHAIRMAN TOM HAGER

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ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date - March	بكر
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Tom Hager			
Matt Himsl			1
S. A. Olson			
Jan Johnson	Sept.		
Dr. Bill Norman			
Harry K. Berg			
Michael Halligan	Par		

STANDING COMMITTEE REPORT

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STATE PUB. CO. Helena, Mont.

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HOUSE BILL 91

5. Page 3, line 11. Following: "guide" Insert: "or hearing"

6. Page 3, line 12. Following: "guide" Insert: "or hearing"

And, as amended, BE CONCURRED IN

416

DATE			
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COMMITTEE ON_____

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GENE C. WILKINS, M.D. DIPLOMATE AMERICAN BOARD OF FAMILY PRACTICE BOX 547

ENNIS MONTANA 59729

TELEPHONE: (406) 682-4223

March 5, 1981

To Whom It May Concern:

Re: HB #7

Since I am unable to attend the Senate hearing regarding HB #7 I have written this brief statement which I hope can be read at the hearing on March 6, 1981. There are several reasons that I support this bill and I will attempt to state them briefly here.

I have practiced as a Family Physician in Ennis for the past sixteen years and eight of these years were as a solo physician. The past eight years I have employed a Physicians Assistant or Extendor. I can honestly say I would not be practicing in Ennis at this time or the past several years if it had not been for the aid of this Physician Assistant. He has been a tremendous help to me and has relieved me of the constant pressures of this type of practice.

There are numerous situations such as this in Montana where the physicians are under these pressures. There are also communities that are losing their physicians and are unable to replace them because of this type of practice with it's many demands. The younger physicians that enter the state are reluctant to go into these situations and are more inclined to practice in a larger city and within a group of physicians. I feel that the physician extendor program and its acceptance would alleviate some of these problems and provide more health care to these areas.

The initial concept of the physicians extendor was to assist primary care physicians in rural or isolated areas and relieve the physician of many of his routine duties. This concept is especially suited to the sparsely populated rural areas that we have in Montana. Ironically, Montana is one of the last one or two states in the United States that has not passed some sort of legislation that would recognize or regulate this group of medical personnel.

Another very important reason for this type of legislation is that it would control the quality of people providing this type of care by requiring suitable training, examinations and certification of the individual physicians extendor before he is allowed to work in the state.

I strongly support this bill and feel that its passage would benefit many of the people of Montana.

Sincerely,

(I) Wilken MO

G. C. Wilkins, M. D.

GCW/KD

NAME: Roy Old Willow DATE: 3/6/8/
ADDRESS: SINGS MI
PHONE: 682-494
REPRESENTING WHOM?
APPEARING ON WHICH PROPOSAL: DA BI
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COMMENTS:

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Selected Annotated Bibliography ofthe Physician Assistant Profession 1965-1978

NAME: DATE: 3-6-5/
ADDRESS: PO. BOX 8496 Missoura
PHONE: 728-4396
REPRESENTING WHOM? MYSELF
APPEARING ON WHICH PROPOSAL: HOUSE BILL 7
DO YOU: SUPPORT? / AMEND? / OPPOSE?
COMMENTS: I AM A WEGGENS' HEALTH CARE
SPECIALIST IE A PAUSICIAN ASSISTANT IN
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REGURES EXAMINATION & CERTIFICATION BY THE
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ASSISTANTS. I WILL BE ALLEGED TO FULLTION IN
MOTENA AS AN EMPLOYEE OF A PHYSICIAN BUT
AM SEEKING LEGAL RUCOGNIZION OF SPECIALITY
F. A.

P.O. Box 8496 Missoula, Montana 59807

March 3, 1981

Senator Tom Hager, Chairman Senate Public Health Committee Capitol Building Helena, Montana

59601

Dear Senator Hager:

Attached is a notarized copy of my certification as a Physician's Assistant in Obstetrics and Gynecology. It is being submitted as verification of my training as a "speciality" Physician's Assistant (P.A.). The program through which I was trained was not only accredited by the American Medical Association, but was also funded in part by federal Title XX monies.

Because my training was within a speciality of medical care, I am unable to become certified by the National Commission on Certification of Physician's Assistants, Inc. (NCCPA), and am therefore left out of House Bill 7. At this time the NCCPA does not offer an examination for speciality P.A.'s within Obstetrics and Gynecology. Nevertheless my training program met all of the requirements of the American Medical Association and the U.S. Department of Health, Education and Welfare. This puts me in a "catch 22" position of being a P.A., but potentially not recognized as one in Montana. I contend that the public is being adequately served and protected by the screening procedures of the American Medical Association, the U.S. Department of Health, Education and Welfare and the Montana Board of Medical Examiners.

My understanding of the purpose of this statute is to provide a means by which legitimately trained and competent P.A.'s can be identified and reviewed for the protection of the people of this State. It would be inconsistent to provide that means for only one type of P.A. and ignore those trained within a speciality, who may nevertheless, be functioning within the State.

To provide for professional review of all P.A.'s. I propose that Section 3 (2)(c) be changed to read, "have taken an examination recognized by the board." In addition, Section 3 (2)(d) should also be deleted.

This would enable Montana to join the forty-seven other states in recognition of the roles and need of mid-level practitioners in health care. In this time of inflation and federal budget cuts, the need for mid-level health care practitioners will do nothing but grow.

Thank you for your time and consideration in this matter.

Sincerely,
D. Golas

c.c. Senators of the Public Health Committee

NAME: DE BIENO	DATE: 3 6-81
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ADDRESS: PORIXETS NOVICE MUNT.	
PHONE: 547-2292	
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NAME: John Buch	DATE: 7.6 #/
NAME: John Broky ADDRESS: Ph. 13 Piechic	0.4
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TESTIMONY TO THE SENATE PUBLIC HEALTH COMMITTEE

bу

J. Richard Sims, M.D., F.A.C.S.

Chief of Staff

Boulder River School and Hospital

J. RICHARD SIMS, M.D., F.A.C.S.

DIPLOMATE AMERICAN BOARD OF SURGERY

1800 ELEVENTH AVE. HELENA, MONTANA, 59601

> AREA 406 442-9210 442-7094

PRACTICE LIMITED TO GENERAL THORACIC AND VASCULAR SURGERY

March 6, 1981

Gentlemen:

My name is J. Richard Sims, Jr. I appear before you in support of House Bill 7. I have been engaged in the practice of Surgery in Helena, Montana for 22 years. I am certified by the American Board of Surgery as of 1960. I have recently been recertified by that Board on a voluntary basis. I am a member of the American Medical Association, Montana Medical Association and the Lewis & Clark Medical Society. I am a Fellow of the American College of Surgeons, a member of the American Military Surgeons of the United States. I am currently a Colonel in the United States Army Reserve and Commander of the 396th Station Hospital. I am a Consultant in surgery at the Veteran's Administration Hospital at Fort Harrison and Broadwater Hospital in Townsend, Montana. I am also on the staff of St. Peter's Hospital and Shodair Hospital.

I am currently Chief of Staff at Boulder River School and Hospital and have been a surgical consultant there for over 20 years. It is in this capacity that I appear to help you understand one of the many problems we encounter in our attempt to deliver health care to these severely handicapped, unfortunate individuals. Treatment of the mentally retarded with their frequently associated neurological and other systemic maladies is somewhat sophisticated and specialized, particularly in the highly selected group of patients we are responsible for at the present time.

As you are well aware, many of the more functional individuals have been

deinstitutionalized as a result of the community placement program. There remains a significantly higher proportion of individuals who are profoundly and severly retarded. They are not only at a much higher risk to suffer from diseases common to all of us but, in addition, there are a myriad of other problems that are peculiar to their underlying genetic or developmental disability. As a result, physicians who deal only with the developmentally disabled become somewhat specialized and segregated from other physicians. This field is not considered interesting by a large number of physicians in fact it is viewed by many with disdain. It is not a lucrative field and in addition those who work in it find themselves buffeted by the whims of political activities that are inspired by a variety of covert interests.

For these reasons and others, it is difficult to find physicians willing to work in this field. House Bill 7 would allow another highly desirable echelon of health care to be developed in Montana. As a matter of fact, it has been and is being practiced in portions of the state. Other states have recognized the advantages of this progressive move and have adopted measures to allow it. The efficacy of this method was proven by Dr. Phil Pallister at this institution in the early 70's.

I am aware that there are other social, economic, political and geographic factors involved and well understand that there are probably many diverse pressures brought to bear upon you in considering this issue. I do not come prepared to discuss these other ramifications but only to request consideration and help in solving our present dilemma at Boulder River School and Hospital.

By better understanding our specific current problem, you may be assisted in meeting your responsibility of deciding correctly on this issue. Without help

from you, residents of Boulder River School and Hospital will be denied the services of Rufino Santos, M.D. in September of this year. Dr. Santos graduated from Manila Central University Medical School in the Phillipines in 1962. He has been in the United States since 1970 and has been a citizen of the United States for 5 years. He has been on the staff of Boulder River School and Hospital since 1976 and has proven his dedication and competency through these years. He has my full support as well as that of his other peers on the staff. At our most recent staff meeting last Tuesday, there was unanimous agreement to support this bill so that Dr. Santos can continue his work. I feel that he can do this work better than I can or for that matter 90% of the staff in spite of the fact that he recently failed to pass the foreign licensure exam by 2 points.

This is a situation that requires special consideration and, as Chief of Staff, and speaking for the staff, I request that you give it careful scrutiny and at least a temporary solution.

I thank you.

NAME: LOWEN & MC/GRROW, MD DATE: 3/6/81
ADDRESS: 2225-11 AVE #12, HELENA, MT 59601
PHONE: 442-1212
REPRESENTING WHOM? MONT MEDICAL ASSOCIATION
APPEARING ON WHICH PROPOSAL: HB-7
DO YOU: SUPPORT? AMEND? OPPOSE?
COMMENTS: Support Physician Assistant legislation with amendments as
proposed during bearing before Small Realth Committee.

NAME: ENMOND H BOUGHTRY	DATE: 2/////////
ADDRESS: Boy SI FRANCIS MIT	5972-9
PHONE: 682-4865	
REPRESENTING WHOM? EMS RESIG	10 1 K
APPEARING ON WHICH PROPOSAL:	Sice
DO YOU: SUPPORT? AMEND?	OPPOSE?
COMMENTS:	
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HB 531 - Introduced by Rep. Keedy

This bill would provide that confidential health care information must be released to a patient by a doctor upon the request of that patient.