

1 *House* BILL NO. *609*  
2 INTRODUCED BY *Sen. Falgout*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH AN AD HOC  
5 MEDICAL REVIEW BOARD; AND TO AMEND SECTION 66-1036, R.C.M.  
6 1947, TO ALLOW APPEALS TO THAT BOARD."

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

9 Section 1. There is a new R.C.M. section numbered  
10 66-1040.1 that reads as follows:

11 66-1040.1. Ad hoc medical review board. (1) There is  
12 an ad hoc medical review board that shall be convened by  
13 request of a physician whose application for a license is  
14 denied under section 66-1036, or suspended under section  
15 66-1038.

16 (2) Members of the review board are five (5) doctors  
17 of medicine or osteopathy licensed to practice in Montana;  
18 two (2) appointed by the board of medical examiners, two (2)  
19 appointed by the requesting physician, and one (1) appointed  
20 by the director of the department of professional and  
21 occupational licensing.

22 (3) The review board shall meet for that time required  
23 to grant a fair hearing and render a final decision.

24 Section 2. There is a new R.C.M. section numbered  
25 66-1040.2 that reads as follows:

1 66-1040.2. Duties of the review board. The board shall  
2 hear the appeal of a physician aggrieved as described in  
3 section 66-1040.1. Upon completion of the hearing the  
4 review board shall affirm, deny, or modify the challenged  
5 action of the board of medical examiners, in regard to the  
6 aggrieved physician. Parties to the hearing shall abide by  
7 the review board's decision, subject to a properly perfected  
8 appeal to a district court of competent jurisdiction.

9 Section 3. Section 66-1036, R.C.M. 1947, is amended to  
10 read as follows:

11 "66-1036. Refusal of license. (1) If the board  
12 determines that an applicant for a license to practice  
13 medicine does not possess the qualifications or character  
14 required by this act or that he has committed unprofessional  
15 conduct, it shall refrain from authorizing the department to  
16 issue a license. The department shall mail to the applicant,  
17 at his last address of record with the department, written  
18 notification of the board's decision together with notice of  
19 a time and place of a hearing before the board. If the  
20 applicant without cause fails to appear at the hearing, or  
21 if after hearing, the board determines he is not entitled to  
22 a license, the board shall refuse to grant the license.

23 (2) If the applicant appeals the decision of the  
24 board, the board, upon timely notice by the applicant, shall  
25 not notify the department until the decision of the ad hoc

*HB 609*

1 medical review board has been rendered and appeals  
2 completed. Upon completion of all appeals, the board shall  
3 notify the department in accordance with the final  
4 decision."

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