

1 HOUSE BILL NO. 42
 2 INTRODUCED BY KVAALEN

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
 5 REVISION AND CLARIFICATION OF LAWS RELATING TO PROFESSIONAL
 6 AND OCCUPATIONAL LICENSING."

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

9 Section 1. Section 66-607, R.C.M. 1947, is amended to
 10 read as follows:

11 "66-607. Deposit of moneys collected. ~~Fees and~~
 12 ~~licenses~~ All fees shall be collected by the department and
 13 deposited in the earmarked revenue fund for the use of the
 14 state board of medical examiners, subject to ~~section~~
 15 82A-1603 (6)."

16 Section 2. Section 66-818, R.C.M. 1947, is amended to
 17 read as follows:

18 "66-818. ~~To when provisions in this act shall not~~
 19 ~~apply~~ Exemptions. Nothing in this act ~~shall prohibit~~
 20 prohibits service in case of emergency or domestic
 21 administration without compensation; ~~nor~~ services by
 22 persons authorized under the laws of this state to practice
 23 dentistry, ~~or to practice the healing art arts, or mortuary~~
 24 science and ~~licensed undertakers;~~ ~~nor~~ or services by
 25 barbers lawfully engaged in the performance of the usual and

1 ordinary duties of their vocation, or in cutting women's
 2 hair ~~by barbers.~~"

3 Section 3. Section 66-1038, R.C.M. 1947, is amended to
 4 read as follows:

5 "66-1038. Revocation or suspension of license --
 6 probation. (1) The board ~~may, when~~ make an investigation
 7 whenever it has been is brought to its attention that there
 8 is reason to suspect that a person having a license or
 9 certificate to practice medicine in this state:

10 (a) ~~It is~~ is mentally or physically unable, ~~safely,~~
 11 safely engage in the practice of medicine, ~~or~~ has procured
 12 his license to practice medicine by fraud or
 13 misrepresentation or through mistake, or has been declared
 14 incompetent by a court of competent jurisdiction and
 15 thereafter has not been lawfully declared competent, or ~~when~~
 16 has a condition ~~exists~~ which impairs his intellect or
 17 judgment to the extent that it incapacitates him for the
 18 safe performance of professional duties;

19 (b) ~~Has~~ has been guilty of unprofessional conduct;

20 (c) ~~Has~~ has practiced medicine while his license was
 21 suspended or revoked;

22 (d) ~~Has~~ has had his license suspended or revoked by
 23 any licensing authority for reasons other than nonpayment of
 24 fees; or

25 (e) ~~Has,~~ while under probation, has violated its

1 terms, ~~make an~~

2 (2) The investigation shall be for the purpose of
 3 determining the probability of the existence of these
 4 conditions or the commission of these offenses, and may
 5 include ~~including~~ requiring the person to submit to a
 6 physical examination or a mental examination or both by a
 7 physician or physicians selected by the board, ~~if when~~ it
 8 appears to be in the best interests of the public that this
 9 evaluation be secured, ~~to determine the probability of the~~
 10 ~~existence of these conditions or the commission of these~~
 11 ~~offenses.~~ The board may examine and scrutinize the hospital
 12 records and reports of a licensee as part of the
 13 examination, and copies of these shall be released to the
 14 board on written request. If the board has reasonable cause
 15 to believe that this probability exists, the department
 16 shall mail to the person, at his last address of record with
 17 the department, a specification of the charges against him,
 18 together with a written ~~citation~~ notice of the time and
 19 place of the hearing on such charges ~~it~~, advising him that
 20 he may be present in person, and by counsel if he so
 21 desires, to offer evidence and be heard in his defense. The
 22 time fixed for the hearing ~~shall may~~ not be less than ~~thirty~~
 23 ~~(30)~~ days from the date of mailing the notice.

24 ~~(2)(3)~~ A person, including a member of the board, may
 25 file a sworn complaint with the department against a person

1 having a license to practice medicine in this state,
 2 charging him with the commission of any of the offenses set
 3 forth in ~~section~~ 66-1037, or with any of the offenses or
 4 conditions set forth in subsection ~~one~~ (1) of this section,
 5 which complaint shall set forth a specification of the
 6 charges. When the complaint is filed, the department shall
 7 mail a copy to the person accused, at his last address of
 8 record with the department, together with a written citation
 9 of the time and place of the hearing on it.

10 ~~(3)(4)~~ At the hearing the board shall adopt a
 11 resolution finding him guilty or not guilty of the matters
 12 charged. If the board finds that the offenses or conditions
 13 referred to in ~~section~~ 66-1037, or subsection (1) of this
 14 section do not exist with respect to the person or if he is
 15 found not guilty, the board shall dismiss the charges or
 16 complaint, ~~but if~~ If the board ~~does find~~ finds that the
 17 offenses or conditions referred to in ~~section~~ 66-1037 or in
 18 subsection (1) of this section do exist and the person is
 19 found guilty, the board shall:

20 (a) ~~Revoke~~ revoke his license;

21 (b) ~~Suspend~~ suspend his right to practice for a period
 22 not exceeding ~~one (1)~~ year;

23 (c) ~~Suspend~~ suspend its judgment of revocation on the
 24 terms and conditions to be determined by the board;

25 (d) ~~Place~~ place him on probation; or

1 (e) Take take any other action in relation to
2 disciplining him as the board in its discretion considers
3 proper.

4 ~~(4)(5)~~ ~~The department in cases~~ In a case of
5 revocation, suspension, or probation, the department shall
6 enter in its records the facts of the action, and of
7 subsequent action of the board with respect to it.

8 ~~(5)(6)~~ On the expiration of the term of suspension,
9 the licensee shall be reinstated by the board, if he
10 furnishes the board with evidence that he is then of good
11 moral character and conduct and restored to good health and
12 that he has not practiced medicine in this state during the
13 term of suspension. If the evidence fails to establish to
14 the satisfaction of the board that the holder is then of
15 good moral character and conduct or ~~if not~~ restored to good
16 health or if the evidence shows he has practiced medicine in
17 this state during the term of suspension, the board shall
18 revoke the license at a hearing, with notice and the
19 procedure provided in subsection (1) of this section. The
20 revocation is final and absolute.

21 ~~(6)(7)~~ If a person holding a license to practice
22 medicine under this ~~act~~ chapter is, by a final order or
23 adjudication of a court of competent jurisdiction, adjudged
24 to be mentally incompetent or ~~insane~~, seriously mentally ill
25 or addicted to the use of narcotics, his license may be

1 suspended by the board. The suspension continues until the
2 licensee is found or adjudged by the court to be restored to
3 reason or cured, or until he is discharged as restored to
4 reason or cured and his professional competence has been
5 proven to the satisfaction of the board."

6 Section 4. Section 66-1242, R.C.M. 1947, is amended to
7 read as follows:

8 "66-1242. ~~Exemption of persons from act when and under~~
9 ~~what circumstances~~ Exemptions — limitations on authority
10 conferred. (1) No provisions of this law shall ~~may~~ be
11 construed as prohibiting:

12 (a) gratuitous nursing by friends or members of the
13 family; ~~or as prohibiting the~~

14 (b) incidental care of the sick by domestic servants
15 or persons primarily employed as housekeepers; ~~or as~~
16 ~~prohibiting~~

17 (c) nursing assistance in the case of an emergency;
18 ~~nor shall it be construed as prohibiting~~

19 (d) the practice of nursing by students enrolled in
20 approved schools of nursing or approved courses, ~~nor~~ or by
21 the graduates of such schools or courses pending the results
22 of the first licensing examination scheduled by the board
23 following ~~each~~ their graduation; ~~nor shall it be construed~~
24 ~~as prohibiting~~

25 (e) the practice of nursing in this state by any

1 legally qualified nurse of another state whose engagement
2 requires ~~her~~ the nurse to accompany and care for a patient
3 temporarily residing in this state during the period of one
4 such engagement, not to exceed ~~six~~ (6) months in length,
5 provided ~~such~~ that person does not represent or hold herself
6 or himself out to be a nurse licensed to practice in this
7 state; ~~nor shall it be construed as prohibiting~~

8 (f) the practice of any legally qualified nurse of
9 another state who is employed by the United States
10 government or any bureau, division, or agency thereof, while
11 in the discharge of ~~her~~ that nurse's official duties;

12 ~~Nothing in this act shall be construed as prohibiting~~

13 (g) nursing or care of the sick, with or without
14 compensation, when done in connection with the practice of
15 the religious tenets of any well-established religion or
16 denomination by adherents thereof.

17 (2) This act ~~shall~~ may not be construed as conferring
18 any authority to practice ~~(a)~~ medicine, ~~or~~ (b) surgery, or
19 ~~(c)~~ any combination thereof; ~~or~~ (d) to confer any authority
20 to practice any of the healing arts prescribed by law to be
21 practiced in the state of Montana; ~~nor~~ (e) or to permit any
22 person to undertake the treatment of disease by any of the
23 methods employed in ~~such~~ those arts, unless the licensee
24 ~~shall have~~ has been qualified under the applicable law or
25 laws licensing the practice of ~~such~~ those profession~~(s)~~

1 professions or healing ~~art(s)~~ arts in the state of Montana."

2 Section 5. Section 66-1243, R.C.M. 1947, is amended to
3 read as follows:

4 "66-1243. Violation of ~~act~~ chapter -- penalties. (1)
5 It ~~shall be is~~ a misdemeanor for ~~any~~ a person (including ~~any~~
6 a corporation, association, or individual) to:

7 (1)(a) ~~Sell~~ sell or fraudulently obtain or furnish any
8 nursing diploma, license, or record or aid or abet therein;

9 (2)(b) ~~Practice~~ practice nursing as defined by this
10 ~~act~~ chapter under cover of any diploma, license, or record
11 illegally or fraudulently obtained or signed or issued
12 unlawfully or under fraudulent representation;

13 (3)(c) ~~Practice~~ practice professional nursing ~~as~~
14 ~~defined by this act~~ unless duly licensed to do so ~~under the~~
15 ~~provisions of this act~~;

16 (4)(d) ~~Practice~~ practice practical nursing ~~as~~ ~~defined~~
17 ~~by this act~~ unless duly licensed to do so ~~under the~~
18 ~~provisions of this act~~;

19 (5)(e) ~~Use~~ use in connection with ~~her~~ the person's
20 name any designation tending to imply that ~~she~~ the person is
21 a registered professional nurse or a licensed practical
22 nurse unless duly licensed so to practice ~~under provisions~~
23 ~~of this act~~;

24 (6)(f) ~~Practice~~ practice nursing during the time ~~her~~
25 the person's license issued ~~under the provisions of this act~~

1 ~~shall be~~ is suspended, revoked, or on inactive status;

2 ~~(7)(g) Conduct~~ conduct a school of nursing or a course
3 unless the school or course has been approved by the board;

4 ~~(8)(h) Otherwise~~ otherwise violate any ~~provisions~~
5 provision of this ~~act~~ chapter.

6 (2) Such misdemeanor ~~shall be~~ is punishable by a fine
7 of not less than ~~one hundred dollars~~ (\$100) for the first
8 offense. Each subsequent offense ~~shall be~~ is punishable by a
9 fine of ~~three hundred dollars~~ (\$300), or by imprisonment of
10 not more than ~~six~~ (6) months in the county jail, or by both
11 such fine and imprisonment.

12 (3) The several district courts within their
13 respective county jurisdictions ~~are hereby empowered to~~ may
14 hear, try, and determine such misdemeanor and ~~to~~ impose in
15 full the punishment and fines ~~herein~~ prescribed. It ~~shall be~~
16 is necessary to prove, in any prosecution for misdemeanor
17 under this section, only a single act prohibited by law, or
18 a single holding out, or an attempt, ~~without proving~~ It is
19 not necessary to prove a general course of conduct in order
20 to constitute a violation."

21 Section 6. Section 66-1406, R.C.M. 1947, is amended to
22 read as follows:

23 "66-1406. ~~Certificate~~ Certificates not to
24 authorize the practice of major or operative surgery. The
25 ~~certificate~~ certificates provided for in the ~~preceding~~

1 ~~section this chapter~~ shall do not authorize the ~~holder~~
2 holders thereof to prescribe or use drugs in the practice of
3 osteopathy, or to perform major or operative surgery, ~~and~~
4 ~~any~~ A person holding a certificate under this ~~act~~, chapter
5 who ~~shall prescribe~~ prescribes or ~~use~~ uses drugs in the
6 practice of osteopathy, or who ~~shall perform~~ performs a
7 major or operative surgery, ~~shall be deemed~~ is guilty of a
8 misdemeanor, ~~provided,~~ that nothing in this ~~act~~ chapter
9 shall may be ~~so~~ construed as to prohibit any legalized
10 osteopath in this state from practicing major or operative
11 surgery after having passed a satisfactory examination in
12 surgery before the Montana state board of medical examiners
13 ~~of the state of Montana."~~

14 Section 7. Section 66-1413, R.C.M. 1947, is amended to
15 read as follows:

16 "66-1413. Osteopathy not practice of medicine. The
17 system, method, or science of treating diseases of the human
18 body, commonly known as osteopathy, is ~~hereby declared~~ not
19 ~~to be~~ the practice of medicine or surgery within the meaning
20 of ~~sections 66-1001 to 66-1009, 66-1011 through 66-1048~~ and
21 is not subject to the provisions of ~~said~~ those sections."

22 Section 8. Section 66-1516, R.C.M. 1947, is amended to
23 read as follows:

24 "66-1516. Physicians to report prescriptions issued to
25 drug addicts. (1) A ~~duly licensed~~ physician duly licensed to

1 practice medicine in Montana, who prescribes for, or
 2 dispenses, administers, or in any manner gives ~~any of the~~
 3 ~~drugs mentioned in this act, opium or coca leaves or any of~~
 4 ~~their derivatives, salts, preparations, or compounds~~ to a
 5 person known to him or believed by him to be an habitual
 6 user or a drug addict, shall, within ~~forty-eight~~ 48 hours,
 7 report the name, address, physical and mental condition, and
 8 any necessary substantial information regarding such person
 9 to the county attorney of the county in which ~~said that~~
 10 physician prescribes ~~for~~, dispenses, administers, or in any
 11 manner gives any of the drugs mentioned in this ~~act, section~~
 12 ~~the name, address, physical and mental condition, and any~~
 13 ~~necessary substantial information regarding such person.~~ "An
 14 habitual user of ~~such~~ drugs" or "drug addict" is defined as
 15 follows: "Any A person who has needed or demanded the
 16 prescribing ~~for~~, dispensing, or administering, or in any
 17 manner the giving of opium or coca leaves or any of their
 18 derivatives, salts, preparations, or compounds, at more or
 19 less regular intervals for ~~thirty~~ 30 consecutive days prior
 20 to the day ~~such that~~ person applies to a physician ~~or to a~~
 21 ~~physician of any institution~~ for the prescribing ~~for~~,
 22 dispensing, administering, or the giving in any way of any
 23 such drugs or their derivatives." If a physician ~~shall~~
 24 ~~prescribe~~ prescribes for, or ~~dispense~~ dispenses, ~~administer~~
 25 administers, or in any manner ~~give~~ gives any of the drugs

1 mentioned in this ~~act, section~~ daily for more than ~~thirty~~ 30
 2 days to a ~~patient person, such that~~ physician shall register
 3 with the county attorney the name of such person, together
 4 with a statement of the physical and mental condition of
 5 such person, and a prognosis as to the probable future
 6 necessity for continuing ~~the prescribing to prescribe for,~~
 7 ~~dispensing dispense, administering administer, or the giving~~
 8 ~~of give~~ such drugs to such ~~patient person, and such the~~
 9 prognosis shall include an estimate as to the length of time
 10 which, according to the judgment of the physician, will be
 11 required to remove the necessity of administering the
 12 aforesaid narcotic drugs to such ~~patient person. It shall be~~
 13 ~~the duty of the~~ The county attorney shall, upon receipt of
 14 such notice, ~~to~~ immediately file a complaint against such
 15 habitual user of drugs or drug addict in the district court
 16 of his county.

17 (2) A person violating any of the provisions of this
 18 section is guilty of a misdemeanor and upon conviction for
 19 each violation shall be sentenced to a term of imprisonment
 20 not to exceed 6 months in the county jail, a fine not to
 21 exceed \$500, or both."

22 Section 9. Section 66-1522, R.C.M. 1947, is amended to
 23 read as follows:

24 "66-1522. Use of words "~~drug store,~~ "apothecary,"
 25 "pharmacy," ~~etc.~~ "chemist shops" for advertising. (1) It

1 ~~shall be~~ is unlawful for ~~any a~~ person to carry on, conduct,
2 or transact a retail business under a name which contains as
3 a part thereof, the words, "drugs," "drug store,"
4 "pharmacy," "medicine," "apothecary," or "chemist shop,"
5 or any ~~abbreviations~~ abbreviation, translations translation,
6 extension, or variation thereof, or in any manner by
7 advertisement circular or poster, sign, or otherwise, to
8 describe or refer to the place of business conducted by ~~such~~
9 that person by such term, ~~abbreviations~~ abbreviation,
10 translation, extension, or variation unless the place so
11 conducted is a pharmacy within the meaning of this ~~act,~~
12 chapter and duly licensed as such and in the charge of a
13 registered pharmacist."

14 Section 10. Section 66-1525, R.C.M. 1947, is amended
15 to read as follows:

16 "66-1525. ~~Exeptions~~ Exemptions. Subject only to
17 66-1514 and 66-1515: ~~(a)(1) Nothing nothing~~ in this chapter
18 ~~act shall subject~~ subjects a person duly licensed in this
19 state to practice medicine, dentistry, or veterinary
20 medicine to inspection by the board ~~not prevent or prevents~~
21 such person from compounding or using drugs, medicines,
22 chemicals, or poisons in his practice ~~not prevent of~~
23 prevents one duly licensed to practice medicine from
24 furnishing to a patient such drugs, medicines, chemicals, or
25 poisons as he ~~deems~~ considers proper in the treatment of

1 such patient;

2 ~~(b)(2) Nothing nothing~~ herein ~~shall prevent prevents~~
3 the sale of drugs, medicines, chemicals, or poisons at
4 wholesale;

5 ~~(c)(3) Nothing nothing~~ herein ~~shall prevent prevents~~
6 the sale of drugs, chemicals, or poisons, either at
7 wholesale or retail, for use for commercial purposes, or in
8 the arts, ~~not be construed to change or changes~~ any of the
9 provisions of this code, relating to the sale of
10 insecticides and fungicides, and nothing in this ~~act~~ chapter
11 ~~shall prevent prevents~~ the sale of common household
12 preparations and other drugs, provided stores selling ~~same~~
13 them are licensed under the terms of this chapter ~~act~~;

14 ~~(d)(4) Nothing nothing~~ herein ~~shall apply applies~~ to
15 or ~~may~~ interfere with manufacture, wholesaling, vending, or
16 retailing of flavoring extracts, toilet articles, cosmetics,
17 perfumes, spices, and other commonly used household articles
18 of a chemical nature, for use for nonmedicinal purposes."

19 Section 11. Section 66-1829.1, R.C.M. 1947, is amended
20 to read as follows:

21 "66-1829.1. Corporations composed of certified public
22 accountants — registration ~~thereof.~~ (1) A professional
23 service corporation organized for the practice of public
24 accounting may register with the board as a corporation of
25 certified public accountants, provided it meets the

1 following requirements:

2 ~~(1)(a)~~ The sole purpose and business of the
3 corporation must be to furnish to the public services not
4 inconsistent with ~~the public accounting act this chapter~~ or
5 the ~~regulations~~ rules of the board, ~~provided, that but~~ the
6 corporation may invest its funds in a manner not
7 incompatible with the practice of public accounting.

8 ~~(2)(b)~~ At least one ~~(1)~~ shareholder thereof must be a
9 certified public accountant of this state in good standing,
10 and must hold a license issued under ~~section~~ 66-1833 which
11 is in effect.

12 ~~(3)(c)~~ Each shareholder of the corporation must be a
13 certified public accountant of some state in good standing
14 and must be principally employed by the corporation or
15 actively engaged in its business. No other person ~~shall~~ may
16 have any interest in the stock of the corporation. The
17 principal of the corporation and any officer or director
18 having authority over the practice of public accounting by
19 the corporation must be a certified public ~~accountant~~
20 accountants of some state in good standing.

21 ~~(4)(d)~~ Each shareholder of the corporation personally
22 engaged within this state in the practice of public
23 accounting as a member thereof must be a certified public
24 accountant of this state in good standing and must hold a
25 license issued under ~~section~~ 66-1833 which is in effect.

1 ~~(5)(e)~~ Each staff member who is employed within this
2 state, and who is certified under ~~section~~ 66-1819 or
3 registered under ~~section~~ 66-1820, must also hold a license
4 issued under ~~section~~ 66-1833 which is in effect.

5 ~~(6)(f)~~ In order to facilitate compliance with the
6 provisions of this section relating to the ownership of
7 stock, there must be a written agreement binding the
8 corporation or the qualified shareholders to purchase any
9 shares offered for sale by, or not under the ownership or
10 effective control of, a qualified shareholder and binding
11 any shareholder not a qualified shareholder to sell such
12 shares to the corporation or the qualified shareholders. The
13 agreement must be noticed on each certificate of corporate
14 stock.

15 (2) Application for such registration must be made
16 upon the affidavit of a shareholder who holds a permit to
17 practice in this state as a certified public accountant. The
18 board shall ~~in such case~~ determine whether the applicant is
19 eligible for registration. A corporation which is so
20 registered may use the words "certified public accountant"
21 or the abbreviation "CPA's" in connection with its
22 corporation name. Notification shall be given the board
23 within ~~one (1)~~ month after the admission or withdrawal of a
24 shareholder of a corporation so registered."

25 Section 12. Section 66-1831.1, R.C.M. 1947, is amended

1 to read as follows:

2 "66-1831.1. Corporations composed of public
3 accountants -- registration thereof. (1) A professional
4 service corporation organized for the practice of public
5 accounting may register with the board as a corporation of
6 public accountants, provided it meets the following
7 requirements:

8 (1)(a) The sole purpose and business of the
9 corporation must be to furnish to the public services not
10 inconsistent with ~~the public accounting act~~ this chapter or
11 the ~~regulations~~ rules of the board, ~~provided, that but~~ the
12 corporation may invest its funds in a manner not
13 incompatible with the practice of public accounting.

14 (2)(b) At least one (1) shareholder thereof must be a
15 certified public accountant or public accountant of this
16 state in good standing, and must hold a license issued under
17 ~~section~~ 66-1833 which is in effect.

18 (3)(c) Each shareholder of the corporation must be a
19 certified public accountant or public accountant of some
20 state in good standing and must be principally employed by
21 the corporation or actively engaged in its business. No
22 other person ~~shall~~ may have any interest in the stock of the
23 corporation. The principal of the corporation and any
24 officer or director having authority over the practice of
25 public accounting by the corporation must be a certified

1 public ~~accountant~~ accountants or public ~~accountant~~
2 accountants of some state in good standing.

3 (4)(d) Each shareholder of the corporation personally
4 engaged within this state in the practice of public
5 accounting as a member thereof must be a certified public
6 accountant or public accountant of this state in good
7 standing and must hold a license issued under ~~section~~
8 66-1833 which is in effect.

9 (5)(e) Each staff member who is employed within this
10 state, and who is certified under ~~section~~ 66-1819 or
11 registered under ~~section~~ 66-1820, must also hold a license
12 issued under ~~section~~ 66-1833 which is in effect.

13 (6)(f) In order to facilitate compliance with the
14 provisions of this section relating to the ownership of
15 stock, there must be a written agreement binding the
16 corporation or the qualified shareholders to purchase any
17 shares offered for sale by, or not under the ownership or
18 effective control, of, a qualified shareholder and binding
19 any shareholder not a qualified shareholder to sell such
20 shares to the corporation or the qualified shareholders. The
21 agreement must be noticed on each certificate of corporate
22 stock.

23 (2) Application for such registration must be made
24 upon the affidavit of a shareholder who holds a permit to
25 practice in this state as a certified public accountant or

1 public accountant. The board shall ~~in such case~~ determine
 2 whether the applicant is eligible for registration. A
 3 corporation which is so registered may use the words "public
 4 accountant" or the abbreviation "PA's" in connection with
 5 its corporation name. Notification shall be given the board
 6 within ~~one~~ (1) month after the admission or withdrawal of a
 7 shareholder of a corporation so registered."

8 Section 13. Section 66-1832, R.C.M. 1947, is amended
 9 to read as follows:

10 "66-1832. Registration of offices. Each office
 11 established or maintained in this state for the practice of
 12 public accounting in this state by a certified public
 13 accountant or a partnership or corporation of certified
 14 public accountants or by a licensed public accountant or a
 15 partnership or corporation of licensed public accountants or
 16 by one registered under ~~section~~ 66-1828 shall be registered
 17 annually ~~under this act~~ with the department. A fee may not
 18 be charged for this registration. The principals of sole
 19 proprietorships and staff employees who are employed in this
 20 state and who are holders of certificates as certified
 21 public accountants must also hold ~~a license~~ licenses issued
 22 under ~~section~~ 66-1833 which ~~is~~ are in effect. Partnerships
 23 and corporations must be registered under ~~section~~ 66-1829,
 24 ~~66-1829.1, or section~~ 66-1831, ~~or 66-1831.1,~~ whichever is
 25 applicable, and foreign accountants under the provisions of

1 ~~section~~ 66-1828."

2 Section 14. Section 66-1838, R.C.M. 1947, is amended
 3 to read as follows:

4 "66-1838. Acts declared unlawful. ~~(*) (1)~~ No person
 5 shall may assume or use the title or designation "certified
 6 public accountant" or the abbreviation "CPA" or any other
 7 title, designation, words, letters, abbreviation, sign,
 8 card, or device tending to indicate that such person is a
 9 certified public accountant unless such person has received
 10 a certificate as a certified public accountant under ~~section~~
 11 66-1819, holds a license issued under ~~section~~ 66-1833, which
 12 is not revoked or suspended, and all of such person's
 13 offices in this state for the practice of public accounting
 14 are maintained and registered as required under ~~section~~
 15 66-1832, ~~provided however, that~~ However, a foreign
 16 accountant who has registered under the provisions of
 17 ~~section~~ 66-1828, and who holds a current license issued
 18 under ~~section~~ 66-1833, may use the title under which he is
 19 generally known in his country, followed by the name of the
 20 country from which he received his certificate, license, or
 21 degree.

22 ~~(*) (2)~~ No partnership or corporation shall assume or use
 23 the title or designation "certified public accountant" or
 24 the abbreviation "CPA" or any other title, designation,
 25 words, letters, abbreviation, sign, card, or device tending

1 to indicate that such partnership or corporation is composed
 2 of certified public accountants unless it is registered
 3 under ~~section~~ 66-1829, or 66-1829.1, whichever is
 4 applicable, and all of its offices in this state for the
 5 practice of public accounting are maintained and registered
 6 as required under ~~section~~ 66-1832.

7 ~~(c)(3)~~ No person ~~shall~~ may assume or use the title or
 8 designation "licensed public accountant," "public
 9 accountant," or any other title, designation, words,
 10 letters, ~~abbreviations~~ abbreviation, sign, card, or device
 11 tending to indicate that such person is a public accountant,
 12 unless such person is registered as a licensed public
 13 accountant under ~~section~~ 66-1820, holds a current license
 14 issued under ~~section~~ 66-1833, and all of such person's
 15 offices in this state for the practice of public accounting
 16 are maintained and registered as required under ~~section~~
 17 66-1832, or unless such person has received a certificate as
 18 a certified public accountant under ~~section~~ 66-1819, holds a
 19 current license issued under ~~section~~ 66-1833, and all of
 20 such person's offices in this state for the practice of
 21 public accounting are maintained and registered as required
 22 under ~~section~~ 66-1832.

23 ~~(d)(4)~~ No partnership or corporation ~~shall~~ may assume
 24 or use the title or designation "licensed public
 25 ~~accountants, accountant,~~ "public accountant," or any other

1 title, designation, words, letters, abbreviation, sign,
 2 card, or device tending to indicate that such partnership or
 3 corporation is composed of public accountants, unless it is
 4 registered under ~~section~~ 66-1831, 66-1831.1, or under
 5 ~~section~~ 66-1829, or 66-1829.1, whichever is applicable, and
 6 all of its offices in this state for the practice of public
 7 accounting are maintained and registered as required under
 8 ~~section~~ 66-1832.

9 ~~(e)(5)~~ No person, corporation, or partnership ~~shall~~
 10 may assume or use the title or designation "certified
 11 accountant," "chartered accountant," "enrolled
 12 accountant," "licensed accountant," "registered
 13 accountants accountant," or any other title or designation
 14 likely to be confused with "certified public accountant,"
 15 "licensed public accountant," "public accountant," or any
 16 of the abbreviations "CA," "EA," "BA," or "LA" or
 17 similar abbreviations likely to be confused with "CPA,"
 18 ~~provided, however, that~~ However, anyone who holds a current
 19 license issued under ~~section~~ 66-1833 and all of whose
 20 offices in the state for the practice of public accounting
 21 are maintained and registered as required under ~~section~~
 22 66-1832 may hold himself out to the public as an
 23 "accountant" or "auditor," as provided in ~~subparagraphs (a)~~
 24 subsections (1), (b)(2), (c)(3), and (d)(4); and provided,
 25 ~~further, that~~ a foreign accountant registered under ~~section~~

1 66-1828 who holds a current license issued under ~~section~~
 2 66-1833 and all of whose offices in this state for the
 3 practice of public accounting are maintained and registered
 4 as required under ~~section~~ 66-1832 may use the title under
 5 which he is generally known in this country, followed by the
 6 name of the country from which he received his certificate,
 7 license, or degree.

8 ~~(f)(6)~~ No person shall may sign or affix his name or
 9 any trade or assumed name used by him in his profession or
 10 business, with any wording indicating that he is an
 11 accountant or auditor, or with any wording indicating that
 12 he has expert knowledge in accounting or auditing, to any
 13 accounting or financial statement, or to any opinion on,
 14 report on, or certificate to any accounting or financial
 15 statement, unless he holds a current license issued under
 16 ~~section~~ 66-1833, and all of his offices in this state for
 17 the practice of public accounting are maintained and
 18 registered under ~~section~~ 66-1832, ~~provided, however, that~~
 19 However, the provisions of this subsection shall do not
 20 prohibit any officer, employee, partner, or principal ~~of~~ of
 21 any organization from affixing his signature to any
 22 statement or report in reference to the financial affairs of
 23 ~~said~~ that organization with any wording designating the
 24 position, title, or office which he holds in ~~said~~ that
 25 organization, nor shall do the provisions of this subsection

1 prohibit any act of a public official or public employee in
 2 the performance of his duties as such.

3 ~~(g)(7)~~ No person shall may sign or affix a partnership
 4 or corporation name, with any wording indicating that it is
 5 a partnership or corporation composed of accountants or
 6 auditors or persons having expert knowledge in accounting or
 7 auditing, to any accounting or financial statement, or to
 8 any report on or certificate to any accounting or financial
 9 statement, unless the partnership or corporation is
 10 registered under ~~this act, 66-1829, 66-1829.1, 66-1831, or~~
 11 66-1831.1 and all of its offices in this state for the
 12 practice of public accounting are maintained and registered
 13 as required under ~~section~~ 66-1832.

14 ~~(h)(8)~~ No person shall may assume or use the title or
 15 designation "certified public accountant" or "public
 16 accountant" in conjunction with names indicating or implying
 17 that there is a partnership or corporation or in conjunction
 18 with the designation "and Company," or "and Co." or a
 19 similar designation if, in any such case, there is in fact
 20 no bona fide partnership or corporation registered under
 21 ~~sections~~ 66-1829, 66-1829.1, ~~or~~ 66-1831, or 66-1831.1.
 22 ~~provided that~~ However, a sole proprietor or partnership
 23 lawfully using such title or designation in conjunction with
 24 such names or designation on July 1, 1969, ~~the effective~~
 25 ~~date of this act~~, may continue to do so if he or it

1 otherwise complies with the provisions of this ~~act~~ chapter;
 2 and ~~provided~~, further, that it ~~shall be~~ is lawful for a sole
 3 proprietor to continue the use of the deceased's name in
 4 connection with his business for a reasonable period of time
 5 after the death of a former partner."

6 Section 15. Section 66-1933, R.C.M. 1947, is amended
 7 to read as follows:

8 "66-1933. Bond of brokers and salesmen. No license may
 9 be issued or renewed until the applicant for a broker's
 10 license or salesman's license has filed a bond with the
 11 department in the sum of ~~ten thousand dollars (\$10,000)~~
 12 executed by a surety company authorized to do business in
 13 this state in a form approved by the board and conditioned
 14 that the applicant, if and when licensed, shall conduct his
 15 business and himself in accordance with this ~~act~~ chapter
 16 and shall pay, to the extent of ~~ten thousand dollars~~
 17 ~~(\$10,000)~~, judgments recovered against him for loss or
 18 damage to a person arising in the course of the applicant's
 19 practice as a real estate broker or salesman. Bonds given by
 20 licensees under this ~~act~~ chapter, after approval, shall be
 21 filed and held in the office of the department. If for ~~a~~ any
 22 reason the bond of ~~any~~ a broker or salesman is canceled or
 23 voided, the license of the broker or salesman is
 24 automatically suspended until the broker or salesman is
 25 again fully bonded and the bond has been approved by the

1 board. If the suspension is not terminated by rebonding and
 2 approval within ~~thirty~~ ~~(30)~~ days from the date of
 3 suspension, the license of the broker or salesman is
 4 automatically revoked."

5 Section 16. Section 66-1946, R.C.M. 1947, is amended
 6 to read as follows:

7 "66-1946. No ~~repeal of~~ affect on 94-6-307 or 94-6-308
 8 ~~section 94-1822~~. Nothing contained herein ~~shall~~ may be
 9 construed to amend, or modify ~~or repeal~~ 94-6-307 or 94-6-308
 10 ~~section 94-1822 of the Revised Codes of Montana of 1947~~.
 11 This ~~act~~ chapter shall be construed to be supplemental to
 12 ~~said section 94-1822~~ 94-6-307 and 94-6-308."

13 Section 17. Section 66-2104(2), R.C.M. 1947, is
 14 amended to read as follows:

15 "66-2104(2). Compensation of members of board --
 16 disposition of funds. (1) Each member of the board shall
 17 receive a compensation of ~~five dollars (\$5)~~ \$25 per day for
 18 actual services while attending meetings or otherwise
 19 engaged in business connected with the board, and shall
 20 receive travel expense reimbursement as provided for in
 21 ~~sections 59-538, 59-539, and 59-801~~.

22 (2) Money received under this ~~act~~ chapter shall be
 23 deposited in the earmarked revenue fund for the use of the
 24 board, subject to ~~section 82A-1603(6)~~."

25 Section 18. Section 66-2210, R.C.M. 1947, is amended

1 to read as follows:

2 "66-2210. ~~Refusal~~ Veterinary medicine -- denial,
3 suspension, and revocation of license and certificate. (1)
4 The board may, with respect to the practice of veterinary
5 medicine, either refuse to grant a license or refuse to
6 grant a certificate of registration or suspend or revoke a
7 license and certificate of registration on any of the
8 following grounds:

9 (a) ~~Fraud~~ fraud or deception in procuring the
10 license;

11 (b) ~~The~~ publication or use of an untruthful or
12 improper statement, or representation with the view of
13 deceiving the public, or a client or customer in connection
14 with the practice of veterinary medicine;

15 (c) ~~The~~ conviction of a felony as shown by a certified
16 copy of the record of the court of conviction, subject to
17 Title 66, chapter 40;

18 (d) ~~Habitual~~ habitual intemperance in the use of
19 intoxicating liquors, or habitual addiction to the use of
20 morphine, cocaine, or other habit-forming drugs, or, subject
21 to Title 66, chapter 40, conviction of a violation of a
22 federal or state law relating to narcotic drugs;

23 (e) ~~Federal~~ immoral, unprofessional, or dishonorable
24 conduct manifestly disqualifying the licensee from
25 practicing veterinary medicine;

1 (f) ~~Gross~~ gross malpractice, including failure to
2 furnish to the board, on written application by it, a report
3 or information relating thereto;

4 (g) ~~The~~ employment of unlicensed persons to perform
5 work which under this chapter can lawfully be done only by
6 persons licensed to practice veterinary medicine;

7 (h) ~~Fraud~~ fraud or dishonest conduct in applying or
8 reporting diagnostic biological tests or in issuing health
9 certificates;

10 (i) ~~Failure~~ failure to keep one's premises in a clean
11 and sanitary condition;

12 (j) ~~Violation~~ violation of this act or of the rules or
13 orders of the board;

14 (k) ~~Revocation~~ revocation by proper authorities for
15 any of the above reasons of a license issued by another
16 state.

17 (2) The board may ~~either~~ not refuse to issue a
18 license or certificate of registration ~~or~~ or suspend or
19 revoke a license and certificate of registration for any
20 cause, unless the person accused has been given notice and a
21 public hearing by the board."

22 Section 19. Section 66-2212, R.C.M. 1947, is amended
23 to read as follows:

24 "66-2212. Practice in violation of law -- penalties.

25 ~~Any~~ A person practicing veterinary medicine or ~~farricery~~

1 veterinary technology within this state, as defined in this
 2 chapter, without first having obtained a license to practice
 3 and being registered as required by this chapter, or after
 4 his license to practice has been suspended or revoked, or
 5 contrary to the provisions of this chapter in any manner,
 6 ~~shall be is~~ guilty of a misdemeanor for each violation of
 7 the provisions of this chapter or for each act relating to
 8 the practice of veterinary medicine or veterinary technology
 9 in this state, and upon conviction shall be punished by a
 10 fine of not less than ~~two hundred dollars (\$200.00)~~ nor or
 11 ~~more than five hundred dollars (\$500.00)~~, or by imprisonment
 12 in the county jail for not less than ~~thirty (30)~~ days nor or
 13 ~~more than six (6)~~ months, or by both ~~said~~ such fine and
 14 imprisonment. Any person convicted a second time for any
 15 violation of this chapter shall be punished by both such
 16 fine and imprisonment. The district court ~~shall have~~ has
 17 jurisdiction of all prosecutions brought hereunder."

18 Section 20. Section 66-2214, R.C.M. 1947, is amended
 19 to read as follows:

20 "66-2214. ~~Denial~~ Veterinary technology -- denial,
 21 suspension, and revocation of licenses or certificates. The
 22 board may, with respect to the practice of veterinary
 23 technology, deny or suspend or revoke any license or
 24 certificate of registration upon the grounds that the
 25 applicant or veterinary technician is guilty of:

1 (1) soliciting patients for any practitioner of the
 2 healing arts;

3 (2) soliciting or receiving any form of compensation
 4 from any person other than his registered employer for
 5 performing as a veterinary technician;

6 (3) willfully or negligently divulging a professional
 7 confidence or discussing a veterinarian's diagnosis, or
 8 treatment, without the express permission of the
 9 veterinarian;

10 (4) any offense punishable by incarceration in a state
 11 penitentiary or federal prison. A copy of the record of
 12 conviction, certified to by the clerk of the court entering
 13 the conviction, ~~shall be is~~ conclusive evidence, provided
 14 that at the conclusion of state supervision imposed as a
 15 consequence of such conviction the board ~~shall~~ may not
 16 consider the conviction upon reapplication for a license or
 17 certificate;

18 (5) the habitual or excessive use of intoxicants or
 19 drugs;

20 (6) fraud or misrepresentation in applying for or
 21 procuring a certificate of qualification to perform as a
 22 veterinary technician, or in applying for or procuring an
 23 annual registration;

24 (7) impersonating another person registered as a
 25 veterinary technician or allowing any person to use his

1 certificate of qualification or registration;

2 (8) aiding or abetting the practice of veterinary
3 medicine by a person not licensed by the board;

4 (9) gross negligence in the performance of duties,
5 tasks, or functions assigned to him by a licensed
6 veterinarian; or

7 (10) manifest incapacity or incompetence to perform as
8 a veterinary technician."

9 Section 21. Section 66-2358, R.C.M. 1947, is amended
10 to read as follows:

11 "66-2358. Application for registration — fees. (1)
12 Applications for registration shall be on forms prescribed
13 by the board and furnished by the department, shall contain
14 statements made under oath, showing the applicant's
15 education and a detailed summary of his technical work, and
16 shall contain not less than five ~~(5)~~ references, of whom
17 three ~~(3)~~ or more shall be engineers or land surveyors
18 having personal knowledge of his engineering or land
19 surveying experience.

20 (2) The registration fee for professional engineers is
21 ~~fifty dollars (\$50), thirty dollars (\$30)~~ of which shall
22 accompany application, the remaining ~~twenty dollars (\$20)~~ to
23 be paid on issuance of a certificate. ~~When Whenever~~ a
24 certificate of qualification issued by the ~~national bureau~~
25 ~~of engineering registration committee on national~~

1 engineering certification of the national council of
2 engineering examiners is accepted as evidence of
3 qualification, the total fee for registration as
4 professional engineer is ~~thirty dollars (\$30)~~.

5 (3) The fee for engineer-in-training is ~~twenty dollars~~
6 ~~(\$20)~~, which shall accompany the application and ~~shall~~
7 ~~include includes~~ the cost of examination and issuance of a
8 certificate. ~~When Whenever~~ certification as an
9 engineer-in-training by another state, or a territory or
10 possession of the United States or country, is accepted as
11 evidence of qualification, the fee for engineer-in-training
12 is ~~ten dollars (\$10)~~. ~~When Whenever~~ registration as a
13 professional engineer is completed by an
14 engineer-in-training, an additional fee of ~~twenty-five~~
15 ~~dollars (\$25)~~ shall be paid before issuance of a certificate
16 as a professional engineer.

17 (4) The registration fee for land surveyors is ~~fifty~~
18 ~~dollars (\$50)~~, which shall accompany the application. The
19 fee for registration as both a professional engineer and
20 land surveyor is ~~seventy dollars (\$70), fifty dollars (\$50)~~
21 of which shall accompany the application, the remaining
22 ~~twenty dollars (\$20)~~ to be paid on issuance of a
23 certificate.

24 (5) If the board denies issuance of a certificate of
25 registration to any applicant, the initial fee deposited

1 shall be retained as an application fee."

2 Section 22. Section 66-2402, R.C.M. 1947, is amended
3 to read as follows:

4 "66-2402. Application for state license —
5 qualifications of licensees. (1) A person desiring to work
6 at the business of plumbing in ~~the state of~~ Montana shall
7 file his application for a license with the department, and
8 shall at the time and place designated by the board, be
9 examined as to his qualifications for working in this
10 business.

11 (2) The following requirements shall be met by
12 applicants for a journeyman plumber's license:

13 ~~(a) For journeyman plumbers:~~

14 ~~(i) (a) A~~ a specific record of ~~four (4) years years'~~
15 experience in the field of plumbing, of a character
16 satisfactory to the board. This experience requirement may
17 be fulfilled by working ~~four (4) years~~ in a major phase of
18 the plumbing business, or by completing an apprenticeship
19 program meeting the standards set by the department of labor
20 and industry or the United States department of labor,
21 bureau of apprenticeship, or credit towards this experience
22 requirement may be given for time spent attending an
23 accredited trade or other ~~schools~~ school specializing in
24 training of value in the field of plumbing and approved by
25 the board.

1 ~~(ii) (b) Satisfactory satisfactory~~ completion of an
2 examination conducted by the department, subject to ~~section~~
3 82A-1603(4), testing the applicant's knowledge of techniques
4 and methods employed in the field of plumbing, and
5 establishing by practical demonstration his competence in
6 the special skills required in the field of plumbing.

7 ~~(iii) (3) A~~ a licensed journeyman plumber may perform
8 work only in the employment of a licensed master plumber
9 unless otherwise permitted by rule of the board.

10 ~~(b) (4) For master plumbers:~~ The following requirements
11 shall be met by an applicant for a master plumbers' license:

12 ~~(i) (a) Evidence evidence~~ of ~~four (4) years years'~~
13 experience as a journeyman plumber in the field of plumbing
14 of a character satisfactory to the board,;

15 ~~(ii) (b) Evidence evidence~~ of ~~three (3) years years'~~
16 experience in supervisory capacities in the field of
17 plumbing, which may run concurrently with the requirement in
18 ~~(i) above subsection (4) (a) :~~

19 ~~(iii) (c) Satisfactory satisfactory~~ completion of an
20 examination for master plumbers testing his knowledge of the
21 field of plumbing and demonstrating his skill and ability
22 in the field of plumbing.

23 ~~(iv) (5) A~~ a master plumber is not authorized to perform
24 the work of a journeyman plumber unless he is also licensed
25 as a journeyman plumber. A licensed master plumber may

1 employ only apprentice plumbers registered with the state
 2 department of labor and industry and only journeyman
 3 plumbers who are licensed by the state of Montana, ~~in the~~
 4 ~~conduct of his business, and shall be a master plumber is~~
 5 responsible for assuring that all work performed by such
 6 employees ~~shall be~~ is in compliance with the state plumbing
 7 code."

8 Section 23. Section 66-2411, R.C.M. 1947, is amended
 9 to read as follows:

10 "66-2411. Penalty for violations -- exceptions from
 11 ~~act~~ chapter. ~~Any~~ A person ~~working who works~~ at the field of
 12 plumbing or ~~maintaining maintains~~ or ~~conducting conducts~~ a
 13 plumbing business, or ~~any~~ an individual who connects or
 14 disconnects plumbing from a public water or sewer system in
 15 violation of any provisions of this ~~act~~, chapter or at a
 16 time when he is not exempt from the provisions of this ~~act~~
 17 chapter pursuant to the provisions of a duly enacted and
 18 subsisting ordinance of ~~such a~~ city or town ~~shall be deemed~~
 19 is guilty of a misdemeanor, and, upon conviction thereof in
 20 any court of competent jurisdiction, shall be punished by a
 21 fine of not less than ~~ten dollars~~ \$10 and not more than ~~one~~
 22 ~~hundred dollars~~ \$100 for each separate offense, ~~provided,~~
 23 ~~however, that~~ however, this ~~act~~ chapter shall not be
 24 construed to apply to, or affect, plumbing or pipefitting
 25 as indicated in the ~~section~~ 66-2401(2) and ~~section~~ ~~65-2426~~

1 ~~66-2426~~ exceptions."

2 Section 24. Section 66-2502, R.C.M. 1947, is amended
 3 to read as follows:

4 "66-2502. Qualifications of applicants for license. To
 5 be eligible for a license as a physical therapist, an
 6 applicant must:

7 (1) ~~be~~ be of good moral character;
 8 (2) ~~Have been~~ have graduated from a school of physical
 9 therapy approved by the council of medical education and
 10 hospitals of the American ~~Medical Association~~ medical
 11 association;

12 (3) ~~Either~~ either:
 13 (a) pass to the satisfaction of the board an
 14 examination to determine his fitness for practice as a
 15 physical therapist; or
 16 (b) be entitled to a license without examination under
 17 ~~section~~ 66-2505 or ~~66-2506~~."

18 Section 25. Section 66-2509, R.C.M. 1947, is amended
 19 to read as follows:

20 "66-2509. Refusal to issue or renew license --
 21 grounds. The board, after due notice and hearing, ~~may~~ refuse
 22 to license any applicant, and ~~may~~ refuse to renew the
 23 license of any licensed person:

24 (1) ~~Who~~ who is habitually intoxicated or who is
 25 addicted to the use of narcotic drugs;

1 (2) ~~Who~~ who has been convicted of violating any state
2 or federal narcotic law, subject to Title 66, chapter 40;

3 (3) ~~Who~~ who is, in the judgment of the board, guilty
4 of immoral or unprofessional conduct;

5 (4) ~~Who~~ who has been convicted of any crime involving
6 moral turpitude, subject to Title 66, chapter 40;

7 (5) ~~Who~~ who is guilty, in the judgment of the board,
8 of gross negligence in his practice as a physical therapist;

9 (6) ~~Who~~ who has obtained or attempted to obtain
10 registration by fraud or material misrepresentation;

11 (7) ~~Who~~ who has been declared ~~insane to be seriously~~
12 mentally ill by a court of competent jurisdiction and has
13 not thereafter been ~~lawfully declared sane~~ released from
14 treatment;

15 (8) ~~Who~~ who has treated or undertaken to treat
16 ailments of human beings otherwise than by physical therapy,
17 or who has undertaken to practice physical therapy
18 independent of prescription from a person who holds an
19 unlimited license to practice medicine and surgery in ~~the~~
20 ~~state of~~ Montana and other states and territories."

21 Section 26. There is a new R.C.M. section that reads
22 as follows:

23 Terminology changed. Unless inconsistent with the clear
24 intent of the context in which such terms appear, any
25 reference in 66-2901, to the terms "masseur" or "masseuse"

1 means "massage therapist". Any reference in 66-2902 through
2 66-2914, to the term "masseur" means "massage therapist" and
3 any reference to "massage" means "massage therapy".

4 Section 27. Section 66-3017, R.C.M. 1947, is amended
5 to read as follows:

6 "66-3017. Revocation or suspension for cause. ~~Any~~ A
7 person registered under this ~~act~~ chapter may have his
8 license revoked or suspended for a fixed period to be
9 determined by the board for any of the following causes:

10 (1) ~~Being~~ being convicted of a felony, subject to
11 Title 66, chapter 40. The record of the conviction or a
12 certified copy from the clerk of the court where the
13 conviction occurred or certification by the judge of the
14 court, ~~shall be sufficient~~ is conclusive evidence ~~to warrant~~
15 ~~revocation or suspension,~~ of the conviction; provided except
16 that if the person has ~~not~~ been pardoned by a governor or
17 the president of the United States, the conviction does not
18 constitute grounds for revocation or suspension.

19 (2) ~~By~~ securing a license under this ~~act~~ chapter
20 through fraud or deceit or false statements;

21 (3) ~~For~~ for the personal use of a false name or alias
22 in the practice of his profession, with fraudulent intent;

23 (4) ~~For~~ for violating any of the provisions of this
24 ~~act.~~ chapter;

25 (5) ~~For~~ for obtaining any fee or making any sale by

1 fraud or misrepresentation;

2 (6) ~~Knowingly~~ knowingly employing directly or
3 indirectly any suspended or unlicensed person to perform any
4 work covered by this ~~act~~ chapter;

5 (7) ~~Using~~ using or causing or promoting the use of any
6 advertising matter, promotional literature, testimonial,
7 guarantee, warranty, label, brand, insignia, or any other
8 representation however disseminated or published, which is
9 improbable, misleading, deceptive, or untruthful;

10 (8) ~~Representing~~ representing that the services or
11 advice, of a person licensed to practice medicine, or
12 possessing certification as an audiologist, will be used or
13 made available in the selection, fitting, adjustment,
14 maintenance, or repair of hearing aids when that is not
15 true, or using the terms "doctor," "clinic," "state
16 registered," or other like words, abbreviations, or symbols
17 which tend to connote the medical profession when that use
18 is not accurate. The term "hearing center" shall be
19 discontinued in accordance with the code of ethics of the
20 ~~National Hearing Aid Society~~ national hearing aid society.

21 (9) ~~Permitting~~ permitting another to use his license
22 or certificate;

23 (10) ~~To defame~~ defaming competitors by falsely
24 imputing to them dishonorable conduct, inability to perform
25 contracts, questionable credit standing, or by other false

1 representations, or falsely ~~to disparage~~ disparaging the
2 products of competitors in any respect, or their business
3 methods, selling prices, values, credit terms, policies, or
4 services;

5 (11) ~~To obtain~~ obtaining information concerning the
6 business of a competitor by bribery of an employee or agent
7 of such competitor, by false or misleading statements or
8 representations, by the impersonation of one in authority,
9 or by any other ~~lawful~~ unlawful means;

10 (12) ~~To~~ directly or indirectly ~~give~~, giving or ~~offer~~
11 offering to give, or ~~permit~~ permitting or ~~cause~~ causing to
12 be given money or anything of value to any person who
13 advises another in a professional capacity as an inducement
14 to influence others to purchase or contract to purchase
15 products sold or offered for sale by a hearing aid
16 dispenser, or ~~to influence~~ influencing persons to refrain
17 from dealing in the products of competitors;

18 (13) ~~Unethical~~ unethical conduct or gross incompetence
19 or negligence in the performance of his duties, including
20 repeated failure to make indicated medical referrals of his
21 customers;

22 (14) ~~Selling~~ selling a hearing aid to a person who has
23 not been given tests utilizing appropriate established
24 procedures and instrumentation in fitting of hearing aids,
25 except in cases of selling replacement hearing aids."

1 Section 28. Section 66-3022, R.C.M. 1947, is amended
2 to read as follows:

3 "66-3022. Licensee entitled to disciplinary hearing ~~if~~
4 ~~duly requested right to appeal.~~ (1) No license issued under
5 this ~~act~~ chapter may be suspended, revoked, denied, or
6 renewal denied without notice and opportunity for a hearing,
7 ~~if requested by the applicant."~~

8 Section 29. Section 66-3319, R.C.M. 1947, is amended
9 to read as follows:

10 "66-3319. Confidentiality of information. (1) ~~Any~~ A
11 licensee or officer, director, partner, or manager of a
12 licensee may divulge to any law enforcement officer or
13 ~~district~~ county attorney, or his representative, any
14 information he may acquire as to any criminal offense, but
15 he ~~shall~~ may not divulge to any other person, except as ~~he~~
16 ~~may be~~ required by law ~~so to do~~, any information acquired by
17 him except at the direction of the employer or client for
18 whom the information was obtained.

19 (2) No licensee or officer, director, partner,
20 manager, or employee of a licensee ~~shall~~ may knowingly make
21 any false report to his employer or client for whom
22 information was being obtained.

23 (3) No written report ~~shall~~ may be submitted to a
24 client except by the licensee, qualifying manager, or a
25 person authorized by ~~one (1) or~~ either of them, and ~~such the~~

1 person submitting the report shall exercise diligence in
2 ascertaining whether or not the facts and information in
3 ~~such the~~ a report are true and correct.

4 (4) No licensee, or officer, director, partner,
5 manager, or employee of a private investigator ~~shall~~ may use
6 a badge in connection with the official activities of the
7 licensee's business.

8 (5) No licensee, or officer, director, partner,
9 manager, or employee of a licensee ~~shall~~ may use a title, ~~or~~
10 wear a uniform, ~~or~~ use an identification card, or make any
11 statement with the intent to give an impression that he is
12 connected in any way with the federal government, a state
13 government, or any political subdivision of a state
14 government.

15 (6) No licensee, or officer, director, partner,
16 manager, or employee of a licensee ~~shall~~ may enter any
17 private building or portion thereof without the consent of
18 the owner or of the person in legal possession thereof.

19 (7) No private patrol licensee, or officer, director,
20 partner, manager, or employee of a private patrol licensee
21 ~~shall~~ may use a badge, except while engaged in guard or
22 patrol work and while wearing a uniform."

23 Section 30. Section 66-3411, R.C.M. 1947, is amended
24 to read as follows:

25 "66-3411. Refusal to issue, suspension, revocation of

1 license — probation — notice -- hearing — reinstatement.

2 (1) The board may refuse to issue or may suspend or revoke a
3 license issued pursuant to this ~~act~~ chapter for any one ~~(1)~~
4 or any combination of the following causes:

5 (a) conviction of a felony or conviction of a
6 violation of any state or federal law regulating the
7 possession, distribution, or use of any controlled
8 substance, as shown by a certified copy of record of the
9 court, subject to Title 56, chapter 40;

10 (b) being adjudicated incompetent or ~~insane~~ seriously
11 mentally ill;

12 (c) sustaining a physical or mental disability which
13 renders further practice dangerous;

14 (d) habitual ~~drunkenness~~ drunkenness or habitual
15 addiction to the use of a controlled substance;

16 (e) gross malpractice;

17 (f) engaging in any dishonorable, unethical, or
18 unprofessional conduct which may deceive, defraud, or harm
19 the public, or which is unbecoming a person licensed to
20 practice under this ~~act~~ chapter;

21 (g) ~~the~~ obtaining of or any attempt to obtain a
22 license or practice in the profession for money or any other
23 thing of value by fraudulent misrepresentations;

24 (h) advertising by means of knowingly false or
25 deceptive statement;

1 (i) advertising, practicing, or attempting to practice
2 under a name other than one's own;

3 (j) using any false, fraudulent, or forged statement
4 or document, or engaging in any fraudulent, deceitful,
5 dishonest, or immoral practice in connection with the
6 licensing requirements of this ~~act~~ chapter; or

7 (k) violating or attempting to violate, or assisting
8 or abetting the violation of, or conspiring to violate any
9 provision of this ~~act~~ chapter.

10 (2) Any person, including any member of the board, may
11 file a sworn complaint with the secretary of the board
12 against any person having a license to practice acupuncture
13 in this state, charging him with the commission of any of
14 the offenses set forth in subsection (1) of this section,
15 which complaint shall set forth a specification of the
16 charges. When ~~such~~ the complaint is filed, the secretary
17 shall mail a copy ~~thereof~~ to the person so accused, at his
18 last address of record with the board, together with a
19 written ~~citation~~ notice of the time and place of a hearing
20 thereon, advising him that he may be present in person, and
21 by counsel if he so desires, to offer evidence and be heard
22 in his defense. The time fixed for hearing shall may not be
23 ~~not~~ less than ~~thirty~~ (30) days from the date of mailing the
24 notice. The contested case procedures of the Montana
25 Administrative Procedure Act ~~(82-4201 to 82-4225)~~ shall

1 apply to the notice and hearing ~~requirements of~~ required by
2 ~~section 11 [66-3411] of this act~~ this section, except that
3 neither common law nor statutory rules of evidence need
4 apply, but the board may make rules designed to exclude
5 repetitive, redundant, or irrelevant testimony.

6 (3) At the time and place fixed for a hearing before
7 the board as provided in subsection (2) of this section, or
8 at any time and place to which the matter may be continued,
9 the board shall receive evidence upon the subject under
10 consideration and shall accord the person against whom
11 charges are preferred a full and fair opportunity to be
12 heard in his defense and shall after consideration adopt a
13 resolution finding him guilty or not guilty of the matters
14 charged. If the board finds that the conditions referred to
15 in subsection (1) of this section do not exist with
16 reference to the person or if he ~~be~~ is found not guilty, the
17 board shall dismiss the charges or complaint, but if the
18 board ~~does find~~ finds that the conditions referred to in
19 subsection (1) of this section do exist and the person is
20 found guilty, the board shall:

- 21 (a) revoke his license;
- 22 (b) suspend his right to practice for a period not
- 23 exceeding ~~one~~ one year;
- 24 (c) suspend its judgment of revocation upon the terms
- 25 and conditions to be determined by the board;

- 1 (d) place him on probation; or
- 2 (e) take such other action in relation to disciplining
- 3 him as the board in its discretion ~~may deem~~ considers
- 4 proper.

5 (4) The secretary of the board in all cases of
6 revocation, suspension, or probation shall enter in its
7 records the facts of the action, and of any subsequent
8 action of the board with respect thereto.

9 (5) Upon the expiration of the term of suspension, the
10 licensee shall be reinstated by the board, provided the
11 licensee ~~shall furnish~~ furnishes the board with evidence
12 that he is then of good moral character and conduct and
13 restored to good health and that he has not practiced
14 acupuncture in this state during the term of suspension. If
15 the evidence fails to establish to the satisfaction of the
16 board that the licensee is then of good moral character and
17 conduct or ~~if not~~ restored to good health or if the evidence
18 shows he has practiced acupuncture in this state during the
19 term of suspension, the board shall revoke the license at a
20 hearing, the notice and procedure of which shall be as
21 ~~hereinafter~~ herein provided, which revocation ~~shall then be~~
22 is final and absolute."

23 Section 31. Section 66-3505, R.C.M. 1947, is amended
24 to read as follows:

25 "66-3505. ~~Banked account~~ Deposit of fees. Money

1 paid for license and equipment fees under this ~~act~~ chapter
 2 shall be deposited in ~~a~~ the earmarked revenue ~~account~~ fund
 3 for the use of the board, subject to ~~section~~ 82A-1603(6)."

4 Section 32. Section 66-3607, R.C.M. 1947, is amended
 5 to read as follows:

6 "66-3607. Authority to create rules -- penalties. (1)
 7 The board may adopt rules in accordance with the Montana
 8 Administrative Procedure Act to implement this ~~act~~ chapter
 9 and to properly regulate this profession.

10 (2) ~~Penalties for violations~~ Violation of this ~~act~~
 11 chapter, and or of the rules adopted under it ~~are provided~~
 12 ~~in section 66-811, R.C.M. 1947 is a misdemeanor punishable~~
 13 by a fine, imprisonment, or by both fine and imprisonment."

14 Section 33. Section 66-3809, R.C.M. 1947, is amended
 15 to read as follows:

16 "66-3809. Registrant status. (1) ~~All certificates~~
 17 Certificates of licensing ~~shall~~ may be issued to natural
 18 persons only, but nothing contained in this ~~act~~ chapter
 19 prevents a duly licensed landscape architect from performing
 20 his services for a corporation, firm, partnership, or
 21 association.

22 (2) Each partner in a partnership of landscape
 23 architects shall be licensed to practice landscape
 24 architecture. Subject to this requirement, a partnership of
 25 landscape architects may use a partnership name if ~~such~~ the

1 name consists of:

2 (a) the names of two ~~(2)~~ or more landscape
 3 architects; or

4 (b) the names of one ~~(1)~~ or more landscape architects
 5 and one ~~(1)~~ or more professional engineers, architects, or
 6 planners.

7 (3) ~~Any~~ A person applying to the licensing official of
 8 any county or city for a business license to practice
 9 landscape architecture shall at the time of ~~such~~ application
 10 exhibit to ~~such~~ the licensing official satisfactory evidence
 11 under the seal of the board and the hand of its secretary
 12 that the applicant possesses a current registration with the
 13 board. The license may not be granted until such evidence
 14 is presented."

15 Section 34. Section 66-3906, R.C.M. 1947, is amended
 16 to read as follows:

17 "66-3906. Qualifications and requirements for
 18 licensure. (1) To be eligible for licensing by the board as
 19 a speech pathologist or audiologist, the applicant must:

20 ~~(1)(a)~~ (a) meet the current academic, supervised clinical
 21 practicum, and post classroom sponsored employment
 22 requirements of the ASHA;

23 ~~(2)(b)~~ (b) pass an examination approved by the board.

24 (2) The board shall determine the subject and scope of
 25 the examination. Written examinations may be supplemented

1 by such oral examinations as the board ~~shall determine~~
 2 determines. An applicant who fails his examination may be
 3 reexamined at a subsequent examination upon payment of
 4 another ~~licensing~~ examination fee. An applicant who fails
 5 two successive examinations may apply for reexamination
 6 after ~~two~~ 2 years of additional professional experience or
 7 training."

8 Section 35. Section 93-2002, R.C.M. 1947, is amended
 9 to read as follows:

10 "93-2002. Qualifications, examination, and admission.
 11 ~~(1) Every~~ Each applicant for admission as an attorney and
 12 counselor must produce satisfactory testimonials of good
 13 moral character, and a certificate of one or more reputable
 14 ~~counselors-at-law~~ counselors-at-law that he has been engaged
 15 in the study of law for ~~two~~ 2 successive years prior to the
 16 making of such application, and undergo a strict examination
 17 as to his qualifications by any one or more of the justices
 18 of the supreme court. The form and manner of the
 19 examination shall be as the justices may, from time to time,
 20 determine, ~~provided, however, that~~ However, a diploma from
 21 the ~~department of law of the University~~ university of
 22 Montana law school at Missoula, or other evidence of having
 23 completed the 1-year course in law ~~of three years~~ of ~~said~~
 24 ~~department~~, that school ~~shall entitle~~ entitles the holder to
 25 a license to practice law in all the courts of this state,

1 subject to the right of the chief justice of the supreme
 2 court ~~of the state~~ to order an examination as in ordinary
 3 cases of applicants without such diploma or evidence.

4 ~~(2) Nothing in this section shall deny an applicant~~
 5 ~~the right to admission by examination during the years 1974~~
 6 ~~and 1975, who was found qualified for admission by~~
 7 ~~examination by the supreme court prior to January 1, 1970."~~

8 Section 36. Repealer. Sections 66-1510, 66-1517,
 9 66-1518, 66-1519, 66-1523, 66-1524, 66-2104(1), 66-2120, and
 10 93-2029 through 93-2037, R.C.M. 1947, are repealed.

-End-

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LC 0058

1977 Legislature
Code Commissioner Bill - Summary

House Bill No. 42

FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING
TO PROFESSIONAL AND OCCUPATIONAL LICENSING.

(This summary does not include discussion of routine form or
grammatical changes.)

Section 1. 66-607. For purpose of clarity and to correct
obvious error, this section is amended to strike "and licenses".

Section 2. 66-818. Amended to clarify and to update
terminology relating to mortuary science.

Section 3. 66-1038. In subsection (6) "insane" changed
to "seriously mentally ill" to update terminology. Also, in
subsection (1) words and phrases are rearranged for clarity.

Section 4. 66-1242. Amended to change references to
"herself", "her", and "she" to the sex-neutral form or to add
the masculine form where these terms appear. This is necessary
since 19-103 states that, in the Montana statutes, the masculine
includes the feminine; but it does not state that the feminine
includes the masculine.

Section 5. 66-1243. See explanation for Section 4. Also
deleted "as defined by this act" and "under the provisions of this
act" in several places as unnecessary and superfluous.

Section 6. 66-1406. Amended to make the section internally
consistent and to make clear that the limitation on authority
applies to temporary certificates and certificates by comity,
as well as to certificates issued under the examination section.

Section 7. 66-1413. Amended to substitute reference to
"66-1011 through 66-1048" for the reference to "66-1001 to
66-1009" since the latter sections have been repealed and
replaced by the former.

Section 8. 66-1516. This section is proposed to be moved to the chapter on dispensing of drugs (R.C.M. Title 27, chapter 9; M.C.A. Title 37, chapter 2, Part 1). Since the section was not enacted with Title 27, chapter 9, 66-1516 is amended to add a penalty clause subsection providing a penalty of the same substance as the general penalty section of Title 66, chapter 15 (66-1526) from which chapter 66-1516 is proposed to be moved.

Section 9. 66-1522. This provision restricts the use of certain terms for advertising to licensed pharmacies. In Pike v. Porter, 126 Mont. 482, 253 P. 2nd 1055, the Montana Supreme Court declared this provision unconstitutional, at least in part. Amended to strike "drugs", "drug store", and "medicine".

Section 10. 66-1525. In order to remove the apparent inconsistency between this section and 66-1514 and 66-1515, it is amended to begin with the words "subject only to 66-1514 and 66-1515". This is necessary because 66-1525 generally exempts the use of drugs in the practice of other health care professions from the chapter while 66-1514 and 66-1515 regulates such use to some extent. The amendment makes clear that 66-1525 is qualified by 66-1514 and 66-1515.

Section 11. 66-1829.1. In order to clarify the requirements imposed by subsection (1) and to avoid possible confusion, it is amended to change "the public accounting act" to "this chapter". There is no act entitled "the public accounting act" and apparently the reference is meant as a general term to refer to chapter 18 of Title 66 or "this chapter".

Section 12. 66-1831.1(1). See explanation in section 11.

Section 13. 66-1832. In order to recognize the provisions on registration of corporations, the last sentence is amended to add reference to 66-1829.1 and 66-1831.1.

Section 14. 66-1838. In order to recognize the provisions on registration of corporations, subsection (b) is amended to add reference to 66-1829.1, subsection (d) is amended to add reference to 66-1831.1 and 66-1829.1, and subsection (h) is amended to add reference to 66-1829.1 and 66-1831.1

Section 15. 66-1933. Changed "a" to "any" to correct obvious error.

Section 16. 66-1946. Since 94-1822, internally referred to in this section, has been superseded by 94-6-307 and 94-6-308 of the Criminal Code of 1973, this section is amended to change accordingly all references to 94-1822.

Section 17. 66-2104(2). This section is in conflict with 66-2104(1) (a separate section). 66-2104(1) is repealed and 66-2104(2) is amended to change "\$5" to "\$25" in subsection (1).

Section 18. 66-2210. In order to clarify and insure the application of this section to the practice of veterinary medicine as opposed to veterinary technology, subsection (1) is amended to add "with respect to the practice of veterinary medicine".

Section 19. 66-2212. Since the sections on farriery (66-2205, 66-2206) have been repealed, references to "farriery" are deleted. Further, reference to "veterinary technology" is added to this section to make clear that the penalties therein apply to the code sections enacted in 1975 relating to the practice of veterinary technology.

Section 20. 66-2214. In order to clarify and insure the application of this section to the practice of veterinary technology as opposed to veterinary medicine, "with respect to the practice of veterinary technology" is added near the beginning of the section.

Section 21. 66-2358. Subsection (2) is amended to change "national bureau of engineering registration" to "committee on national engineering certification of the national council of engineering examiners", since the latter is the present organization issuing the certificates referred to in the subsection.

Section 22. 66-2402. Subsection (2) (b) (iv) is amended to correct confusing language and to provide consistency with 66-2406 requiring registration of apprentices with the department of labor and industry.

Section 23. 66-2411. Amended to change this "act" to this "chapter" in order to insure that the penalty provision is applied to all provisions of chapter 24.

Section 24. 66-2502. Amended to delete reference in subsection (3) to "66-2506" since 66-2506 does not speak to licensure without examination as the reference indicates.

Section 25. 66-2509. Amended to update terminology in subsection (7) relating to mental health in order to conform to recent legislation and usage.

Section 26. New section. For purposes of consistency and to conform to present usage and administration, this section replaces the old terminology of "masseur" or "masseuse" with "massage therapist", and "massage" with "massage therapy" in Title 66, chapter 29.

Section 27. 66-3017. Since subsection (1) specifically states that the record of felony conviction is itself sufficient to warrant revocation or suspension with no reference to rehabilitation it is in conflict with 1972 Constitution of Montana, Art. II, Sec. 28 and Title 66, chapter 40. Amended to resolve conflict. Also, changed "lawful" to "unlawful" in subsection (11) to correct obvious error.

Section 28. 66-3022. Amended to clarify and avoid possible conflict with the Administrative Procedure Act, specifically 82-4215.

Section 29. 66-3319. Amended to change "district attorney" to "county attorney" in subsection (1).

Section 30. 66-3411. Amended to update terminology in subsection (1)(b) relating to mental health in order to conform to recent legislation and usage. Also, deleted "if not" in subsection (5) for clarity.

Section 31. 66-3505. Amended to change "account" to "fund" in order to conform to Title 79, chapter 4, dealing with treasury fund structure.

Section 32. 66-3607. This section states in subsection (2) that penalties for violation of the Act "are provided in section 66-811". Section 66-811 does not provide a penalty. Amended to add penalty language taken from 66-817(c) in order to correct this apparent error.

Section 33. 66-3809. For purposes of clarity the word "or" is added after subsection (2)(a).

Section 34. 66-3906. Amended to change "licensing fee" to "examination fee" in subsection (2) in order to make clear that the fee referred to is that provided for in 66-3910(a) rather than 66-3910(b).

Section 35. 93-2002. Subsection(2) was specifically superseded by Supreme Court rule and was declared void in In re Senate Bill #630, 31 St. Rpts. 479. Amended to delete subsection (2).

Section 36. Repealer.

66-1510. Sale of poisons regulated. The subject matter of this provision, enacted in 1907, is now fully covered by the Consumer Product Safety Act of 1975, Title 69, chapter 71. Repeal.

66-1517, 66-1518, 66-1519. Arrest and commitment of drug addicts, delivery to institution, payment of costs. These provisions, enacted in 1921, appear to be without viable present or future application given the recent enactment of Title 38, chapter 13 on treatment and commitment of the seriously mentally ill, and the Dangerous Drug Act (Title 54, chapter 1). These recent enactments are broad enough to cover any situation envisioned by 66-1517, 66-1518, 66-1519, and furthermore, provide adequate procedural protection in which the old provisions are lacking. Repeal.

66-1523, 66-1524. Wrongful labeling and adulteration. The subject matter of these provisions enacted in 1935, is now fully covered by the Food, Drug, and Cosmetic Act (1967). See specifically 27-703. Repeal.

66-2104(1). See explanation for Section 17.

66-2120. This section is redundant with 66-2116 and the reference to certificates issued by the "state treasurer" has no present or future applicability. Repeal.

93-2029 through 93-2037. These sections dealing with procedure for suspension or disbarment of attorneys are sometimes in conflict with, and the matters therein are covered by, the more recently enacted 93-2016, 93-2017, and 93-2019. Repeal.

Approved by Committee
on Business and Industry

1 HOUSE BILL NO. 42
2 INTRODUCED BY KVAALEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5 REVISION AND CLARIFICATION OF LAWS RELATING TO PROFESSIONAL
6 AND OCCUPATIONAL LICENSING."

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

9 Section 1. Section 66-607, R.C.M. 1947, is amended to
10 read as follows:

11 "66-607. Deposit of moneys collected. ~~Fees and~~
12 ~~licenses~~ All fees shall be collected by the department and
13 deposited in the earmarked revenue fund for the use of the
14 state board of medical examiners, subject to ~~section~~
15 82A-1603 (6)."

16 Section 2. Section 66-818, R.C.M. 1947, is amended to
17 read as follows:

18 "66-818. ~~To whom provisions in this act shall not~~
19 ~~apply~~ Exemptions. Nothing in this act ~~shall prohibit~~
20 prohibits service in case of emergency or domestic
21 administration without compensation; ~~nor~~ services by
22 persons authorized under the laws of this state to practice
23 dentistry, ~~or to practice~~ the healing art arts, or mortuary
24 science ~~and licensed undertakers;~~ ~~nor~~ or services by
25 barbers lawfully engaged in the performance of the usual and

1 ordinary duties of their vocation, or in cutting women's
2 hair ~~by barbers.~~"

3 Section 3. Section 66-1038, R.C.M. 1947, is amended to
4 read as follows:

5 "66-1038. Revocation or suspension of license --
6 probation. (1) The board ~~may, when~~ make an investigation
7 whenever it ~~has been~~ is brought to its attention that there
8 is reason to suspect that a person having a license or
9 certificate to practice medicine in this state:

10 (a) ~~is is~~ is mentally or physically unable, ~~safely,~~ to
11 safely engage in the practice of medicine, ~~or~~ has procured
12 his license to practice medicine by fraud or
13 misrepresentation or through mistake, or has been declared
14 incompetent by a court of competent jurisdiction and
15 thereafter has not been lawfully declared competent, or ~~when~~
16 has a condition ~~exists~~ which impairs his intellect or
17 judgment to the extent that it incapacitates him for the
18 safe performance of professional duties;

19 (b) ~~has~~ has been guilty of unprofessional conduct;

20 (c) ~~has~~ has practiced medicine while his license was
21 suspended or revoked;

22 (d) ~~has~~ has had his license suspended or revoked by
23 any licensing authority for reasons other than nonpayment of
24 fees; or

25 (e) ~~has~~ has while under probation, has violated its

There are no changes in HB 42, & will not be re-run.

Please refer to white copy for complete text.

SECOND READING

HB 42

1 ~~terms, make an~~
 2 (2) The investigation shall be for the purpose of
 3 determining the probability of the existence of these
 4 conditions or the commission of these offenses, and may
 5 include including requiring the person to submit to a
 6 physical examination or a mental examination or both by a
 7 physician or physicians selected by the board, ~~if when~~ it
 8 appears to be in the best interests of the public that this
 9 evaluation be secured, ~~to determine the probability of the~~
 10 ~~existence of these conditions or the commission of these~~
 11 ~~offenses.~~ The board may examine and scrutinize the hospital
 12 records and reports of a licensee as part of the
 13 examination, and copies of these shall be released to the
 14 board on written request. If the board has reasonable cause
 15 to believe that this probability exists, the department
 16 shall mail to the person, at his last address of record with
 17 the department, a specification of the charges against him,
 18 together with a written ~~citation~~ notice of the time and
 19 place of the hearing on such charges ~~it~~, advising him that
 20 he may be present in person, and by counsel if he so
 21 desires, to offer evidence and be heard in his defense. The
 22 time fixed for the hearing shall may not be less than ~~thirty~~
 23 ~~(30)~~ days from the date of mailing the notice.

24 ~~(2)(3)~~ A person, including a member of the board, may
 25 file a sworn complaint with the department against a person

1 having a license to practice medicine in this state,
 2 charging him with the commission of any of the offenses set
 3 forth in ~~section~~ 66-1037, or with any of the offenses or
 4 conditions set forth in subsection ~~one~~ (1) of this section,
 5 which complaint shall set forth a specification of the
 6 charges. When the complaint is filed, the department shall
 7 mail a copy to the person accused, at his last address of
 8 record with the department, together with a written citation
 9 of the time and place of the hearing on it.

10 ~~(3)(4)~~ At the hearing the board shall adopt a
 11 resolution finding him guilty or not guilty of the matters
 12 charged. If the board finds that the offenses or conditions
 13 referred to in ~~section~~ 66-1037, or subsection (1) of this
 14 section do not exist with respect to the person or if he is
 15 found not guilty, the board shall dismiss the charges or
 16 complaint, ~~but if~~ If the board ~~does find~~ finds that the
 17 offenses or conditions referred to in ~~section~~ 66-1037 or in
 18 subsection (1) of this section do exist and the person is
 19 found guilty, the board shall:

- 20 (a) ~~Revoke~~ revoke his license;
 21 (b) ~~Suspend~~ suspend his right to practice for a period
 22 not exceeding ~~one~~ (1) year;
 23 (c) ~~Suspend~~ suspend its judgment of revocation on the
 24 terms and conditions to be determined by the board;
 25 (d) ~~Place~~ place him on probation; or

1 HOUSE BILL NO. 42
2 INTRODUCED BY KVAALEN

3 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
4 REVISION AND CLARIFICATION OF LAWS RELATING TO PROFESSIONAL
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14 state board of medical examiners, subject to ~~section~~
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16 Section 2. Section 66-818, R.C.M. 1947, is amended to
17 read as follows:

18 "66-818. ~~To whom provisions in this act shall not~~
19 ~~apply~~ Exemptions. Nothing in this act shall ~~prohibit~~
20 prohibit service in case of emergency or domestic
21 administration without compensation; ~~and~~ services by
22 persons authorized under the laws of this state to practice
23 dentistry, ~~or to practice the healing arts, or mortuary~~
24 ~~science and licensed undertakers;~~ ~~and~~ of services by
25 barbers lawfully engaged in the performance of the usual and

1 ordinary duties of their vocation, or in cutting women's
2 hair ~~by barbers.~~"

3 Section 3. Section 66-1038, R.C.M. 1947, is amended to
4 read as follows:

5 "66-1038. Revocation or suspension of license —
6 probation. (1) The board ~~may when~~ make an investigation
7 whenever it ~~has been~~ is brought to its attention that there
8 is reason to suspect that a person having a license or
9 certificate to practice medicine in this state:

10 (a) ~~is~~ is mentally or physically unable, ~~and~~ to
11 safely engage in the practice of medicine, ~~as~~ has procured
12 his license to practice medicine by fraud or
13 misrepresentation or through mistake, or has been declared
14 incompetent by a court of competent jurisdiction and
15 thereafter has not been lawfully declared competent, or ~~when~~
16 has a condition ~~exists~~ which impairs his intellect or
17 judgment to the extent that it incapacitates him for the
18 safe performance of professional duties;

19 (b) ~~has~~ has been guilty of unprofessional conduct;

20 (c) ~~has~~ has practiced medicine while his license was
21 suspended or revoked;

22 (d) ~~has~~ has had his license suspended or revoked by
23 any licensing authority for reasons other than nonpayment of
24 fees; or

25 (e) ~~has~~ has while under probation, has violated its

There are no changes in HB 42, & will not be re-run.
Please refer to white copy for complete text.

-2- HB 42
H I P O R F

1 terms, ~~make~~

2 (2) The investigation shall be for the purpose of
 3 determining the probability of the existence of these
 4 conditions or the commission of these offenses, and may
 5 include ~~including~~ requiring the person to submit to a
 6 physical examination or a mental examination or both by a
 7 physician or physicians selected by the board, if ~~when~~ it
 8 appears to be in the best interests of the public that this
 9 evaluation be secured, ~~to determine the probability of the~~
 10 ~~existence of these conditions or the commission of these~~
 11 ~~offenses.~~ The board may examine and scrutinize the hospital
 12 records and reports of a licensee as part of the
 13 examination, and copies of these shall be released to the
 14 board on written request. If the board has reasonable cause
 15 to believe that this probability exists, the department
 16 shall mail to the person, at his last address of record with
 17 the department, a specification of the charges against him,
 18 together with a written ~~citation~~ notice of the time and
 19 place of the hearing on such charges ~~it~~, advising him that
 20 he may be present in person, and by counsel if he so
 21 desires, to offer evidence and be heard in his defense. The
 22 time fixed for the hearing ~~shall~~ may not be less than ~~thirty~~
 23 ~~(30)~~ days from the date of mailing the notice.

24 ~~(2)(3)~~ A person, including a member of the board, may
 25 file a sworn complaint with the department against a person

1 having a license to practice medicine in this state,
 2 charging him with the commission of any of the offenses set
 3 forth in ~~section~~ 66-1037, or with any of the offenses or
 4 conditions set forth in subsection ~~one~~ (1) of this section,
 5 which complaint shall set forth a specification of the
 6 charges. When the complaint is filed, the department shall
 7 mail a copy to the person accused, at his last address of
 8 record with the department, together with a written citation
 9 of the time and place of the hearing on it.

10 ~~(3)(4)~~ At the hearing the board shall adopt a
 11 resolution finding him guilty or not guilty of the matters
 12 charged. If the board finds that the offenses or conditions
 13 referred to in ~~section~~ 66-1037, or subsection (1) of this
 14 section do not exist with respect to the person or if he is
 15 found not guilty, the board shall dismiss the charges or
 16 complaint, ~~but if~~ if the board ~~does find~~ finds that the
 17 offenses or conditions referred to in ~~section~~ 66-1037 or in
 18 subsection (1) of this section do exist and the person is
 19 found guilty, the board shall:

20 (a) ~~Revoke~~ revoke his license;

21 (b) ~~Suspend~~ suspend his right to practice for a period
 22 not exceeding ~~one~~ (1) year;

23 (c) ~~Suspend~~ suspend its judgment of revocation on the
 24 terms and conditions to be determined by the board;

25 (d) ~~Place~~ place him on probation; or

HOUSE BILL NO. 42
INTRODUCED BY KVAALEN

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSING."

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

Section 1. Section 66-607, R.C.M. 1947, is amended to read as follows:

"66-607. Deposit of moneys collected. Fees--and licenses All fees shall be collected by the department and deposited in the earmarked revenue fund for the use of the state board of medical examiners, subject to section 82A-1503 (6)."

Section 2. Section 66-818, R.C.M. 1947, is amended to read as follows:

"66-818. ~~For whom provisions in this act shall not apply~~ Exemptions. Nothing in this act shall prohibit service in case of emergency or domestic administration without compensation; nor services by persons authorized under the laws of this state to practice dentistry, ~~or to practice the healing art~~ arts, ~~or mortuary science and--licensed--undertakers;~~ or services by barbers lawfully engaged in the performance of the usual and

ordinary duties of their vocation, or in cutting women's hair by barbers."

Section 3. Section 66-1038, R.C.M. 1947, is amended to read as follows:

"66-1038. Revocation or suspension of license -- probation. (1) The board may ~~when make an investigation whenever~~ it has been brought to its attention that there is reason to suspect that a person having a license or certificate to practice medicine in this state:

(a) ~~is is~~ is mentally or physically unable ~~safely~~ safely to engage in the practice of medicine, or has procured his license to practice medicine by fraud or misrepresentation or through mistake, or has been declared incompetent by a court of competent jurisdiction and thereafter has not been lawfully declared competent, or when ~~has~~ has a condition exists which impairs his intellect or judgment to the extent that it incapacitates him for the safe performance of professional duties;

(b) ~~Has~~ has been guilty of unprofessional conduct;

(c) ~~Has~~ has practiced medicine while his license was suspended or revoked;

(d) ~~Has~~ has had his license suspended or revoked by any licensing authority for reasons other than nonpayment of fees; or

(e) ~~Has~~ while under probation, has violated its

1 ~~ternst, make-on~~

2 ~~(2) The investigation shall be for the purpose of~~
 3 ~~determining the probability of the existence of these~~
 4 ~~conditions or the commission of these offenses, and may~~
 5 ~~include including~~ requiring the person to submit to a
 6 physical examination or a mental examination or both by a
 7 physician or physicians selected by the board, ~~if when it~~
 8 ~~appears to be~~ in the best interests of the public that this
 9 evaluation be secured, ~~to determine the probability of the~~
 10 ~~existence of these conditions or the commission of these~~
 11 ~~offenses.~~ The board may examine and scrutinize the hospital
 12 records and reports of a licensee as part of the
 13 examination, and copies of these shall be released to the
 14 board on written request. If the board has reasonable cause
 15 to believe that this probability exists, the department
 16 shall mail to the person at his last address of record with
 17 the department, a specification of the charges against him,
 18 together with a written citation ~~notice~~ of the time and
 19 place of the hearing on ~~such charges~~ ~~it~~, advising him that
 20 he may be present in person, and by counsel if he so
 21 desires, to offer evidence and be heard in his defense. The
 22 time fixed for the hearing ~~shall~~ ~~may~~ not be less than ~~thirty~~
 23 ~~(30)~~ days from the date of mailing the notice.

24 ~~(2)(1)~~ A person, including a member of the board, may
 25 file a sworn complaint with the department against a person

1 having a license to practice medicine in this state,
 2 charging him with the commission of any of the offenses set
 3 forth in ~~section 66-1037,~~ or ~~with any of the offenses or~~
 4 ~~conditions set forth in~~ subsection one (1) of this section,
 5 which complaint shall set forth a specification of the
 6 charges. When the complaint is filed, the department shall
 7 mail a copy to the person accused, at his last address of
 8 record with the department, together with a written citation
 9 of the time and place of the hearing on it.

10 ~~(3)(4)~~ At the hearing the board shall adopt a
 11 resolution finding him guilty or not guilty of the matters
 12 charged. If the board finds that the ~~offenses or~~ conditions
 13 referred to in ~~section 66-1037,~~ or subsection (1) of this
 14 section do not exist with respect to the person or if he is
 15 found not guilty, the board shall dismiss the charges or
 16 complaint, ~~but if~~ ~~if~~ the board ~~does--find~~ ~~finds~~ that the
 17 ~~offenses or~~ conditions referred to in ~~section 66-1037~~ or in
 18 subsection (1) of this section do exist and the person is
 19 found guilty, the board shall:

- 20 (a) Revoke ~~revoke~~ his license;
- 21 (b) Suspend ~~suspend~~ his right to practice for a period
 22 not exceeding ~~one-(1)~~ year;
- 23 (c) Suspend ~~suspend~~ its judgment of revocation on the
 24 terms and conditions to be determined by the board;
- 25 (d) Place ~~place~~ him on probation; or

1 (e) ~~take~~ take any other action in relation to
2 disciplining him as the board in its discretion considers
3 proper.

4 ~~(4)(5) The department in cases~~ In a case of
5 revocation, suspension, or probation, the department shall
6 enter in its records the facts of the action and of
7 subsequent action of the board with respect to it.

8 ~~(5)(6)~~ On the expiration of the term of suspension,
9 the licensee shall be reinstated by the board, if he
10 furnishes the board with evidence that he is then of good
11 moral character and conduct and restored to good health and
12 that he has not practiced medicine in this state during the
13 term of suspension. If the evidence fails to establish to
14 the satisfaction of the board that the holder is then of
15 good moral character and conduct or ~~if not~~ restored to good
16 health or if the evidence shows he has practiced medicine in
17 this state during the term of suspension, the board shall
18 revoke the license at a hearing, with notice and the
19 procedure provided in subsection (1) of this section. The
20 revocation is final and absolute.

21 ~~(6)(7)~~ If a person holding a license to practice
22 medicine under this act chapter is, by a final order or
23 adjudication of a court of competent jurisdiction, adjudged
24 to be mentally incompetent or ~~insane~~ seriously mentally ill
25 or addicted to the use of narcotics, his license may be

1 suspended by the board. The suspension continues until the
2 licensee is found or adjudged by the court to be restored to
3 reason or cured, or until he is discharged as restored to
4 reason or cured and his professional competence has been
5 proven to the satisfaction of the board."

6 Section 4. Section 66-1242, R.C.M. 1947, is amended to
7 read as follows:

8 "66-1242. ~~Exemption of persons from act when and under~~
9 ~~what circumstances~~ Exemptions -- limitations on authority
10 conferred. (1) No provisions of this law ~~shall~~ may be
11 construed as prohibiting:

12 (a) gratuitous nursing by friends or members of the
13 family; ~~or as prohibiting the~~

14 (b) incidental care of the sick by domestic servants
15 or persons primarily employed as housekeepers; ~~or as~~
16 prohibiting

17 (c) nursing assistance in the case of an emergency;
18 ~~nor shall it be construed as prohibiting~~

19 (d) the practice of nursing by students enrolled in
20 approved schools of nursing or approved courses; ~~nor~~ or by
21 the graduates of such schools or courses pending the results
22 of the first licensing examination scheduled by the board
23 following such their graduation; ~~nor shall it be construed~~
24 as prohibiting

25 (e) the practice of nursing in this state by any

1 legally qualified nurse of another state whose engagement
 2 requires her the nurse to accompany and care for a patient
 3 temporarily residing in this state during the period of one
 4 such engagement, not to exceed ~~six~~(6) months in length,
 5 provided ~~such that~~ person does not represent or hold herself
 6 ~~or himself out~~ to be a nurse licensed to practice in this
 7 state; ~~nor shall it be construed as prohibiting~~

8 (f) the practice of any legally qualified nurse of
 9 another state who is employed by the United States
 10 government or any bureau, division, or agency thereof, while
 11 in the discharge of her ~~that nurse's~~ official duties;

12 ~~Nothing in this act shall be construed as prohibiting~~

13 (g) nursing or care of the sick, with or without
 14 compensation, when done in connection with the practice of
 15 the religious tenets of any well-established religion or
 16 denomination by adherents thereof.

17 (2) This act ~~shall~~ may not be construed as conferring
 18 any authority to practice ~~(a)~~ medicine, ~~or~~ ~~(b)~~ surgery, or
 19 ~~(c)~~ any combination thereof; ~~or~~ ~~(d)~~ to confer any authority
 20 to practice any of the healing arts prescribed by law to be
 21 practiced in the state of Montana; ~~nor~~ ~~(e)~~ ~~or~~ to permit any
 22 person to undertake the treatment of disease by any of the
 23 methods employed in ~~such those~~ arts, unless the licensee
 24 ~~shall have~~ has been qualified under the applicable law or
 25 laws licensing the practice of ~~such those~~ profession(s)

1 professions or healing ~~art(s)~~ arts in the state of Montana."

2 Section 5. Section 66-1243, R.C.M. 1947, is amended to
 3 read as follows:

4 "66-1243. Violation of ~~act chapter~~ -- penalties. (1)
 5 It ~~shall~~ is a misdemeanor for ~~any~~ a person (including ~~any~~
 6 a corporation, association, or individual) to:

7 (1)(a) ~~Sett~~ sell or fraudulently obtain or furnish any
 8 nursing diploma, license, or record or aid or abet therein;

9 (2)(b) ~~Practice~~ practice nursing as defined by this
 10 ~~act chapter~~ under cover of any diploma, license, or record
 11 illegally or fraudulently obtained or signed or issued
 12 unlawfully or under fraudulent representation;

13 (3)(c) ~~Practice~~ practice professional nursing as
 14 ~~defined--by this act~~ unless duly licensed to do so ~~under the~~
 15 ~~provisions of this act~~;

16 (4)(d) ~~Practice~~ practice practical nursing ~~as--defined~~
 17 ~~by--this--act~~ unless duly licensed to do so ~~under the~~
 18 ~~provisions of this act~~;

19 (5)(e) ~~Use~~ use in connection with her the person's
 20 name any designation tending to imply that ~~she~~ the person is
 21 a registered professional nurse or a licensed practical
 22 nurse unless duly licensed so to practice ~~under--provisions~~
 23 ~~of this act~~;

24 (6)(f) ~~Practice~~ practice nursing during the time her
 25 the person's license ~~issued under the provisions of this act~~

1 ~~shall be~~ is suspended, revoked, or on inactive status;

2 ~~(7)(g)~~ Conduct ~~conduct~~ a school of nursing or a course

3 unless the school or course has been approved by the board;

4 ~~(8)(h)~~ Otherwise ~~otherwise~~ violate any provisions

5 provision of this act chapter.

6 (2) Such misdemeanor ~~shall be~~ is punishable by a fine

7 of not less than ~~one hundred dollars (\$100)~~ for the first

8 offense. Each subsequent offense ~~shall be~~ is punishable by a

9 fine of ~~three hundred dollars (\$300)~~, or by imprisonment of

10 not more than ~~six (6)~~ months in the county jail, or by both

11 such fine and imprisonment.

12 (3) The several district courts within their

13 respective county jurisdictions ~~are hereby empowered to~~ may

14 hear, try, and determine such misdemeanor and to impose in

15 full the punishment and fines herein prescribed. It ~~shall be~~

16 is necessary to prove, in any prosecution for misdemeanor

17 under this section, only a single act prohibited by law, or

18 a single holding out, or an attempt, ~~without proving it is~~

19 not necessary to prove a general course of conduct in order

20 to constitute a violation."

21 Section 6. Section 66-1406, R.C.M. 1947, is amended to

22 read as follows:

23 "66-1406. ~~Certificate~~ ~~does~~ Certificates not ~~to~~

24 authorize the practice of major or operative surgery. The

25 ~~certificate~~ certificates provided for in the ~~preceding~~

1 ~~section this chapter shall do~~ not authorize the holder

2 ~~holders~~ thereof to prescribe or use drugs in the practice of

3 osteopathy, or to perform major or operative surgery, ~~and~~

4 ~~any~~ A person holding a certificate under this ~~act, chapter~~

5 who ~~shall~~ ~~prescribe~~ prescribes or ~~use~~ uses drugs in the

6 practice of osteopathy, or who ~~shall~~ ~~perform~~ performs a

7 major or operative surgery, ~~shall be deemed is~~ guilty of a

8 misdemeanor, ~~provided that~~ nothing in this ~~act chapter~~

9 ~~shall~~ may be so construed as to prohibit any legalized

10 osteopath in this state from practicing major or operative

11 surgery after having passed a satisfactory examination in

12 surgery before the ~~Montana~~ state board of medical examiners

13 ~~of the state of Montana."~~

14 Section 7. Section 66-1413, R.C.M. 1947, is amended to

15 read as follows:

16 "66-1413. Osteopathy not practice of medicine. The

17 system, method, or science of treating diseases of the human

18 body, commonly known as osteopathy, is ~~hereby~~ ~~declared~~ not

19 ~~to be~~ the practice of medicine or surgery within the meaning

20 of ~~sections 66-1001 to 66-1009, 66-1011 through 66-1048~~ and

21 ~~is~~ not subject to the provisions of ~~said those~~ sections."

22 Section 8. Section 66-1516, R.C.M. 1947, is amended to

23 read as follows:

24 "66-1516. Physicians to report prescriptions issued to

25 drug addicts. ~~11~~ A ~~duty~~ ~~licensed~~ physician duly licensed to

1 practice medicine in Montana, who prescribes for, or
 2 dispenses, administers, or in any manner gives any of the
 3 ~~drugs mentioned in this act, opium or coca leaves or any of~~
 4 ~~their derivatives, salts, preparations, or compounds~~ to a
 5 person known to him or believed by him to be an habitual
 6 user or a drug addict, shall, within forty-eight ~~48~~ hours,
 7 report ~~the name, address, physical and mental condition, and~~
 8 ~~any necessary substantial information regarding such person~~
 9 to the county attorney of the county in which ~~said that~~
 10 physician prescribes for, dispenses, administers, or in any
 11 manner gives any of the drugs mentioned in this act, ~~section~~
 12 ~~the name, address, physical and mental condition, and any~~
 13 ~~necessary substantial information regarding such person.~~ "An
 14 habitual user of such drugs" or "drug addict" is defined as
 15 follows: "Any A person who has needed or demanded the
 16 prescribing for, dispensing, or administering, or in any
 17 manner the giving of opium or coca leaves or any of their
 18 derivatives, salts, preparations, or compounds, at more or
 19 less regular intervals for ~~thirty 30~~ consecutive days prior
 20 to the day such ~~that~~ person applies to a physician ~~or to a~~
 21 ~~physician of any institution~~ for the prescribing for,
 22 dispensing, administering, or the giving in any way of any
 23 such drugs or their derivatives." If a physician ~~shall~~
 24 prescribe ~~prescribes~~ for, or dispense ~~dispenses~~, administer
 25 ~~administers~~, or in any manner give ~~gives~~ any of the drugs

1 mentioned in this act, ~~section~~ daily for more than ~~thirty 30~~
 2 days to a ~~patient person~~, such ~~that~~ physician shall register
 3 with the county attorney the name of such person, together
 4 with a statement of the physical and mental condition of
 5 such person, and a prognosis as to the probable future
 6 necessity for continuing ~~the prescribing to prescribe for,~~
 7 ~~dispensing dispense, administering administer, or the giving~~
 8 ~~of give~~ such drugs to such ~~patient person~~, and ~~such the~~
 9 prognosis shall include an estimate as to the length of time
 10 which, according to the judgment of the physician, will be
 11 required to remove the necessity of administering the
 12 aforesaid narcotic drugs to such ~~patient person~~. ~~It shall be~~
 13 ~~the duty of the~~ The county attorney shall, upon receipt of
 14 such notice, to immediately file a complaint against such
 15 habitual user of drugs or drug addict in the district court
 16 of his county.

17 ~~(2) A person violating any of the provisions of this~~
 18 ~~section is guilty of a misdemeanor and upon conviction for~~
 19 ~~each violation shall be sentenced to a term of imprisonment~~
 20 ~~not to exceed 6 months in the county jail, a fine not to~~
 21 ~~exceed \$500, or both."~~

22 Section 9. Section 66-1522, R.C.M. 1947, is amended to
 23 read as follows:

24 "66-1522. Use of words "drug-store", "apothecary",
 25 "pharmacy" etc. "chemist shops" for advertising. (1) It

1 ~~shall be~~ is unlawful for ~~any~~ a person to carry on, conduct,
 2 or transact a retail business under a name which contains as
 3 a part thereof, the words, "drug," "drug--store,"
 4 "pharmacy," "medicine," "apothecary," or "chemist shop,"
 5 or any abbreviations ~~abbreviation, translations translation,~~
 6 extension, or variation thereof, or in any manner by
 7 advertisement circular or poster, sign, or otherwise, ~~to~~
 8 describe or refer to the place of business conducted by such
 9 ~~that~~ person by such term, ~~abbreviations abbreviation,~~
 10 translation, extension, or variation unless the place so
 11 conducted is a pharmacy within the meaning of this act,
 12 ~~chapter~~ and duly licensed as such and in ~~the~~ charge of a
 13 registered pharmacist."

14 Section 10. Section 66-1525, R.C.M. 1947, is amended
 15 to read as follows:

16 "66-1525. ~~Exceptions Exemptions. Subject only to~~
 17 ~~66-1514 and 66-1515:~~ (a)(1) ~~Nothing nothing~~ in this chapter
 18 ~~act shall subject subjects~~ a person duly licensed in this
 19 state to practice medicine, dentistry, or veterinary
 20 medicine to inspection by the board ~~nor prevent or prevents~~
 21 such person from compounding or using drugs, medicines,
 22 chemicals, or poisons in his practice ~~nor--orevent or~~
 23 ~~prevents~~ one duly licensed to practice medicine from
 24 furnishing to a patient such drugs, medicines, chemicals, or
 25 poisons as he ~~deems considers~~ proper in the treatment of

1 such patient;
 2 (b)(2) ~~Nothing nothing~~ herein ~~shall prevent prevents~~
 3 the sale of drugs, medicines, chemicals, or poisons at
 4 wholesale;
 5 (c)(3) ~~Nothing nothing~~ herein ~~shall prevent prevents~~
 6 the sale of drugs, chemicals, or poisons, either at
 7 wholesale or retail, for use for commercial purposes, or in
 8 the arts, ~~nor be construed to change or changes~~ any of the
 9 provisions of this code, relating to the sale of
 10 insecticides and fungicides, and nothing in this act ~~chapter~~
 11 ~~shall prevent prevents~~ the sale of common household
 12 preparations and other drugs, provided stores selling ~~some~~
 13 ~~them~~ are licensed under the terms of this ~~chapter act~~;

14 (d)(4) ~~Nothing nothing~~ herein ~~shall apply applies~~ to
 15 or ~~may~~ interfere with manufacture, wholesaling, vending, or
 16 retailing of flavoring extracts, toilet articles, cosmetics,
 17 perfumes, spices, and other commonly used household articles
 18 of a chemical nature, for use for nonmedicinal purposes."

19 Section 11. Section 66-1829.1, R.C.M. 1947, is amended
 20 to read as follows:

21 "66-1829.1. Corporations composed of certified public
 22 accountants -- registration thereof. (1) A professional
 23 service corporation organized for the practice of public
 24 accounting may register with the board as a corporation of
 25 certified public accountants, provided it meets the

1 following requirements:

2 (1)(a) The sole purpose and business of the
 3 corporation must be to furnish to the public services not
 4 inconsistent with the ~~public accounting act~~ this chapter or
 5 the ~~regulations~~ rules of the board, ~~provided that~~ but the
 6 corporation may invest its funds in a manner not
 7 incompatible with the practice of public accounting.

8 (2)(b) At least one (1) shareholder thereof must be a
 9 certified public accountant of this state in good standing
 10 and must hold a license issued under section 66-1833 which
 11 is in effect.

12 (3)(c) Each shareholder of the corporation must be a
 13 certified public accountant of some state in good standing
 14 and must be principally employed by the corporation or
 15 actively engaged in its business. No other person ~~shall~~ may
 16 have any interest in the stock of the corporation. The
 17 principal of the corporation and any officer or director
 18 having authority over the practice of public accounting by
 19 the corporation must be a certified public accountant
 20 ~~accountants~~ of some state in good standing.

21 (4)(d) Each shareholder of the corporation personally
 22 engaged within this state in the practice of public
 23 accounting as a member thereof must be a certified public
 24 accountant of this state in good standing and must hold a
 25 license issued under section 66-1833 which is in effect.

1 (5)(e) Each staff member who is employed within this
 2 state and who is certified under section 66-1819 or
 3 registered under ~~section 66-1820~~ must also hold a license
 4 issued under section 66-1833 which is in effect.

5 (6)(f) In order to facilitate compliance with the
 6 provisions of this section relating to the ownership of
 7 stock, there must be a written agreement binding the
 8 corporation or the qualified shareholders to purchase any
 9 shares offered for sale by, or not under the ownership or
 10 effective control of, a qualified shareholder and binding
 11 any shareholder not a qualified shareholder to sell such
 12 shares to the corporation or the qualified shareholders. The
 13 agreement must be noticed on each certificate of corporate
 14 stock.

15 (2) Application for such registration must be made
 16 upon the affidavit of a shareholder who holds a permit to
 17 practice in this state as a certified public accountant. The
 18 board shall ~~in such case~~ determine whether the applicant is
 19 eligible for registration. A corporation which is so
 20 registered may use the words "certified public accountant"
 21 or the abbreviation "CPA's" in connection with its
 22 corporation name. Notification shall be given the board
 23 within ~~one (1)~~ month after the admission or withdrawal of a
 24 shareholder of a corporation so registered.

25 Section 12. Section 66-1831.1, R.C.M. 1947, is amended

1 to read as follows:

2 "66-1831.1. Corporations composed of public
3 accountants -- registration thereof. ~~(1)~~ A professional
4 service corporation organized for the practice of public
5 accounting may register with the board as a corporation of
6 public accountants, provided it meets the following
7 requirements:

8 ~~(1)(a)~~ The sole purpose and business of the
9 corporation must be to furnish to the public services not
10 inconsistent with ~~the public accounting act this chapter~~ or
11 the regulations rules of the board, ~~provided that but~~ the
12 corporation may invest its funds in a manner not
13 incompatible with the practice of public accounting.

14 ~~(2)(b)~~ At least one ~~(1)~~ shareholder thereof must be a
15 certified public accountant or public accountant of this
16 state in good standing, and must hold a license issued under
17 section 66-1833 which is in effect.

18 ~~(3)(c)~~ Each shareholder of the corporation must be a
19 certified public accountant or public accountant of some
20 state in good standing and must be principally employed by
21 the corporation or actively engaged in its business. No
22 other person ~~shall~~ may have any interest in the stock of the
23 corporation. The principal of the corporation and any
24 officer or director having authority over the practice of
25 public accounting by the corporation must be a certified

1 public ~~accountant~~ accountants or public ~~accountant~~
2 accountants of some state in good standing.

3 ~~(4)(d)~~ Each shareholder of the corporation personally
4 engaged within this state in ~~the~~ practice of public
5 accounting as a member thereof must be a certified public
6 accountant or public accountant of this state in good
7 standing and must hold a license issued under ~~section~~
8 66-1833 which is in effect.

9 ~~(5)(e)~~ Each staff member who is employed within this
10 state, and who is certified under ~~section~~ 66-1819 or
11 registered under ~~section~~ 66-1820, must also hold a license
12 issued under ~~section~~ 66-1833 which is in effect.

13 ~~(6)(f)~~ In order to facilitate compliance with the
14 provisions of this section relating to the ownership of
15 stock, there must be a written agreement binding the
16 corporation or the qualified shareholders to purchase any
17 shares offered for sale by, or not under the ownership or
18 effective control, of, a qualified shareholder and binding
19 any shareholder not a qualified shareholder to sell such
20 shares to the corporation or the qualified shareholders. The
21 agreement must be noticed on each certificate of corporate
22 stock.

23 ~~(7)~~ Application for such registration must be made
24 upon the affidavit of a shareholder who holds a permit to
25 practice in this state as a certified public accountant or

1 public accountant. The board shall ~~in such case~~ determine
 2 whether the applicant is eligible for registration. A
 3 corporation which is so registered may use the words "public
 4 accountant" or the abbreviation "PA's" in connection with
 5 its corporation name. Notification shall be given the board
 6 within ~~one~~ month after the admission or withdrawal of a
 7 shareholder of a corporation so registered."

8 Section 13. Section 66-1832, R.C.M. 1947, is amended
 9 to read as follows:

10 "66-1832. Registration of offices. Each office
 11 established or maintained in this state for the practice of
 12 public accounting in this state by a certified public
 13 accountant or a partnership or corporation of certified
 14 public accountants or by a licensed public accountant or a
 15 partnership or corporation of licensed public accountants or
 16 by one registered under ~~section~~ 66-1828 shall be registered
 17 annually ~~under this act~~ with the department. A fee may not
 18 be charged for this registration. The principals of sole
 19 proprietorships and staff employees who are employed in this
 20 state and who are holders of certificates as certified
 21 public accountants must also hold ~~a~~ license licenses issued
 22 under ~~section~~ 66-1833 which ~~is~~ are in effect. Partnerships
 23 and corporations must be registered under ~~section~~ 66-1829,
 24 ~~66-1829, 1, or section~~ 66-1831, ~~or 66-1831, 1,~~ whichever is
 25 applicable, and foreign accountants under the provisions of

1 ~~section 66-1828."~~

2 Section 14. Section 66-1838, R.C.M. 1947, is amended
 3 to read as follows:

4 "66-1838. Acts declared unlawful. ~~(a)(1)~~ No person
 5 shall ~~may~~ assume or use the title or designation "certified
 6 public accountant" or the abbreviation "CPA" or any other
 7 title, designation, words, letters, abbreviation, sign,
 8 card, or device tending to indicate that such person is a
 9 certified public accountant unless such person has received
 10 a certificate as a certified public accountant under ~~section~~
 11 66-1819, holds a license issued under ~~section~~ 66-1833, which
 12 is not revoked or suspended, and all of such person's
 13 offices in this state for the practice of public accounting
 14 are maintained and registered as required under ~~section~~
 15 66-1832, ~~provided--however--that~~ However, a foreign
 16 accountant who has registered under the provisions of
 17 ~~section~~ 66-1828, and who holds a current license issued
 18 under ~~section~~ 66-1833, may use the title under which he is
 19 generally known in his country, followed by the name of the
 20 country from which he received his certificate, license, or
 21 degree.

22 ~~(a)(2)~~ No partnership or corporation shall assume or use
 23 the title or designation "certified public accountant" or
 24 the abbreviation "CPA" or any other title, designation,
 25 words, letters, abbreviation, sign, card, or device tending

1 to indicate that such partnership or corporation is composed
 2 of certified public accountants unless it is registered
 3 under section 66-1829 or ~~66-1829.1, whichever is~~
 4 ~~applicable,~~ and all of its offices in this state for the
 5 practice of public accounting are maintained and registered
 6 as required under section 66-1832.

7 ~~(c)(3)~~ No person ~~shall~~ ~~may~~ assume or use the title or
 8 designation "licensed public accountant"₁, "public
 9 accountant"₁ or any other title, designation, words,
 10 letters, ~~abbreviations~~ ~~abbreviation,~~ sign, card₁ or device
 11 tending to indicate that such person is a public accountant₁
 12 unless such person is registered as a licensed public
 13 accountant under section 66-1820, holds a current license
 14 issued under section 66-1833₁ and all of such person's
 15 offices in this state for the practice of public accounting
 16 are maintained and registered as required under section
 17 66-1832 or unless such person has received a certificate as
 18 a certified public accountant under section 66-1819, holds a
 19 current license issued under section 66-1833₁ and all of
 20 such person's offices in this state for the practice of
 21 public accounting are maintained and registered as required
 22 under section 66-1832.

23 ~~(c)(4)~~ No partnership or corporation ~~shall~~ ~~may~~ assume
 24 or use the title or designation "licensed public
 25 accountants₁ accountant"₁, "public accountant"₁ or any other

1 title, designation, words, letters, abbreviation, sign,
 2 card, or device tending to indicate that such partnership or
 3 corporation is composed of public accountants₁ unless it is
 4 registered under section 66-1831₁ ~~66-1831.1~~ or--under
 5 section 66-1829₁ or ~~66-1829.1, whichever is applicable,~~ and
 6 all of its offices in this state for the practice of public
 7 accounting are maintained and registered as required under
 8 section 66-1832.

9 ~~(c)(5)~~ No person, corporation₁ or partnership ~~shall~~
 10 ~~may~~ assume or use the title or designation "certified
 11 accountant"₁, "chartered accountant"₁, "enrolled
 12 accountant"₁, "licensed accountant"₁, "registered
 13 accountants accountant"₁ or any other title or designation
 14 likely to be confused with "certified public accountant"₁
 15 "licensed public accountant"₁, "public accountant"₁ or any
 16 of the abbreviations "CA"₁, "EA"₁, "RA"₁ or "LA"₁ or
 17 similar abbreviations likely to be confused with "CPA"₁
 18 ~~provided--however--that~~ ~~however,~~ anyone who holds a current
 19 license issued under section 66-1833 and all of whose
 20 offices in the state for the practice of public accounting
 21 are maintained and registered as required under section
 22 66-1832 may hold himself out to the public as an
 23 "accountant" or "auditor" as provided in ~~subparagraphs--(c)~~
 24 ~~subsections~~ ~~(1), (2), (3), and (4); and provided~~
 25 ~~further--that~~ a foreign accountant registered under section

1 66-1828 who holds a current license issued under section
 2 66-1833 and all of whose offices in this state for the
 3 practice of public accounting are maintained and registered
 4 as required under section 66-1832 may use the title under
 5 which he is generally known in this country, followed by the
 6 name of the country from which he received his certificate,
 7 license, or degree.

8 ~~(f)(6)~~ No person shall ~~may~~ sign or affix his name or
 9 any trade or assumed name used by him in his profession or
 10 business, with any wording indicating that he is an
 11 accountant or auditor, or with any wording indicating that
 12 he has expert knowledge in accounting or auditing, to any
 13 accounting or financial statement, or to any opinion on,
 14 report on, or certificate to any accounting or financial
 15 statement, unless he holds a current license issued under
 16 section 66-1833, and all of his offices in this state for
 17 the practice of public accounting are maintained and
 18 registered under section 66-1832, ~~provided--however--that~~
 19 ~~however,~~ the provisions of this subsection shall ~~do~~ not
 20 prohibit any officer, employee, partner, or principal or ~~of~~
 21 any organization from affixing his signature to any
 22 statement or report in reference to the financial affairs of
 23 ~~said that~~ organization with any wording designating the
 24 position, title, or office which he holds in ~~said that~~
 25 organization, nor shall ~~do~~ the provisions of this subsection

1 prohibit any act of a public official or public employee in
 2 the performance of his duties as such.

3 ~~(g)(7)~~ No person shall ~~may~~ sign or affix a partnership
 4 or corporation name, with any wording indicating that it is
 5 a partnership or corporation composed of accountants or
 6 auditors or persons having expert knowledge in accounting or
 7 auditing, to any accounting or financial statement, or to
 8 any report on or certificate to any accounting or financial
 9 statement, unless the partnership or corporation is
 10 registered under ~~this act, 66-1829, 66-1829.1, 66-1831, or~~
 11 ~~66-1831.1~~ and all of its offices in this state for the
 12 practice of public accounting are maintained and registered
 13 as required under section 66-1832.

14 ~~(h)(8)~~ No person shall ~~may~~ assume or use the title or
 15 designation "certified public accountant" or "public
 16 accountant" in conjunction with names indicating or implying
 17 that there is a partnership or corporation or in conjunction
 18 with the designation "and Company" or "and Co." or a
 19 similar designation if, in any such case, there is in fact
 20 no bona fide partnership or corporation registered under
 21 sections 66-1829, ~~66-1829.1, or 66-1831, or 66-1831.1,~~
 22 ~~provided--that however,~~ a sole proprietor or partnership
 23 lawfully using such title or designation in conjunction with
 24 such names or designation on ~~July 1, 1969, the--effective~~
 25 ~~date--of--this--act,~~ may continue to do so if he or it

1 otherwise complies with the provisions of this ~~act~~ chapter;
 2 and ~~provided~~, further, that it ~~shall be~~ is lawful for a sole
 3 proprietor to continue the use of the deceased's name in
 4 connection with his business for a reasonable period of time
 5 after the death of a former partner."

6 Section 15. Section 66-1933, R.C.M. 1947, is amended
 7 to read as follows:

8 "66-1933. Bond of brokers and salesmen. No license may
 9 be issued or renewed until the applicant for a broker's
 10 license or salesman's license has filed a bond with the
 11 department in the sum of ~~ten thousand dollars (\$10,000)~~
 12 executed by a surety company authorized to do business in
 13 this state in a form approved by the board and conditioned
 14 that the applicant, if and when licensed, shall conduct his
 15 business and himself in accordance with this ~~act~~ chapter
 16 and shall pay, to the extent of ~~ten thousand dollars~~
 17 ~~(\$10,000)~~, judgments recovered against him for loss or
 18 damage to a person arising in the course of the applicant's
 19 practice as a real estate broker or salesman. Bonds given by
 20 licensees under this ~~act~~ chapter, after approval, shall be
 21 filed and held in the office of the department. If for ~~a~~ any
 22 reason the bond of ~~any~~ a broker or salesman is canceled or
 23 voided, the license of the broker or salesman is
 24 automatically suspended until the broker or salesman is
 25 again fully bonded and the bond has been approved by the

1 board. If the suspension is not terminated by rebonding and
 2 approval within ~~thirty~~ ~~---(30)~~ days from the date of
 3 suspension, the license of the broker or salesman is
 4 automatically revoked."

5 Section 16. Section 66-1946, R.C.M. 1947, is amended
 6 to read as follows:

7 "~~66-1946. No repeat of affect on 94-6-307 or 94-6-308~~
 8 ~~section--94-1822. Nothing contained herein shall may be~~
 9 ~~construed to amend or modify or repeat 94-6-307 or 94-6-308~~
 10 ~~section-94-1822-of-the-Revised-Codes--of--Montana--of--1947.~~
 11 This ~~act~~ chapter shall be construed to be supplemental to
 12 ~~said-section-94-1822~~ 94-6-307 and 94-6-308."

13 Section 17. Section 66-2104(2), R.C.M. 1947, is
 14 amended to read as follows:

15 "66-2104(2). Compensation of members of board --
 16 disposition of funds. (1) Each member of the board shall
 17 receive a compensation of ~~five dollars (\$5)~~ \$25 per day for
 18 actual services while attending meetings or otherwise
 19 engaged in business connected with the board, and shall
 20 receive travel expense reimbursement as provided for in
 21 ~~sections 59-538, 59-539, and 59-801.~~

22 (2) Money received under this ~~act~~ chapter shall be
 23 deposited in the earmarked revenue fund for the use of the
 24 board, subject to ~~section 82A-1603(6).~~"

25 Section 18. Section 66-2210, R.C.M. 1947, is amended

1 to read as follows:

2 "66-2210. ~~Refuse~~ Veterinary medicine -- denial,
 3 suspension, and revocation of license and certificate. (1)
 4 The board may, with respect to the practice of veterinary
 5 medicine, either refuse to grant a license or refuse to
 6 grant a certificate of registration or suspend or revoke a
 7 license and certificate of registration on any of the
 8 following grounds:

9 (a) ~~Fraud~~ fraud or deception in procuring the
 10 license;

11 (b) ~~The~~ publication or use of an untruthful or
 12 improper statement, or representation with the view of
 13 deceiving the public, or a client or customer in connection
 14 with the practice of veterinary medicine;

15 (c) ~~The~~ conviction of a felony as shown by a certified
 16 copy of the record of the court of conviction, subject to
 17 Title 66, chapter 40;

18 (d) ~~Habitual~~ habitual intemperance in the use of
 19 intoxicating liquors, or habitual addiction to the use of
 20 morphine, cocaine, or other habit-forming drugs, or, subject
 21 to Title 66, chapter 40, conviction of a violation of a
 22 federal or state law relating to narcotic drugs;

23 (e) ~~Immoral~~ immoral, unprofessional, or dishonorable
 24 conduct manifestly disqualifying the licensee from
 25 practicing veterinary medicine;

1 (f) ~~Gross~~ gross malpractice, including failure to
 2 furnish to the board, on written application by it, a report
 3 or information relating thereto;

4 (g) ~~The~~ employment of unlicensed persons to perform
 5 work which under this chapter can lawfully be done only by
 6 persons licensed to practice veterinary medicine;

7 (h) ~~Fraud~~ fraud or dishonest conduct in applying or
 8 reporting diagnostic biological tests or in issuing health
 9 certificates;

10 (i) ~~Failure~~ failure to keep one's premises in a clean
 11 and sanitary condition;

12 (j) ~~Violation~~ violation of this act or of the rules or
 13 orders of the board;

14 (k) ~~Revocation~~ revocation by proper authorities for
 15 any of the above reasons of a license issued by another
 16 state.

17 (2) The board may ~~neither not~~ refuse to issue a
 18 license or certificate of registration ~~nor or~~ suspend or
 19 revoke a license and certificate of registration for any
 20 cause, unless the person accused has been given notice and a
 21 public hearing by the board."

22 Section 19. Section 66-2212, R.C.M. 1947, is amended
 23 to read as follows:

24 "66-2212. Practice in violation of law -- penalties.
 25 Any A person practicing veterinary medicine or ~~farrery~~

1 veterinary technology within this state, as defined in this
 2 chapter, without first having obtained a license to practice
 3 and being registered as required by this chapter, or after
 4 his license to practice has been suspended or revoked, or
 5 contrary to the provisions of this chapter in any manner,
 6 ~~shall be~~ is guilty of a misdemeanor for each violation of
 7 the provisions of this chapter or for each act relating to
 8 the practice of veterinary medicine or veterinary technology
 9 in this state, and upon conviction shall be punished by a
 10 fine of not less than ~~two hundred dollars~~ ~~(\$200.00)~~ nor or
 11 more than ~~five hundred dollars~~ ~~(\$500.00)~~, or by imprisonment
 12 in the county jail for not less than ~~thirty~~ ~~(30)~~ days nor or
 13 more than ~~six~~ ~~(6)~~ months, or by both said such fine and
 14 imprisonment. Any person convicted a second time for any
 15 violation of this chapter shall be punished by both such
 16 fine and imprisonment. The district court ~~shall have~~ has
 17 jurisdiction of all prosecutions brought hereunder."

18 Section 20. Section 66-2214, R.C.M. 1947, is amended
 19 to read as follows:

20 "66-2214. ~~Denial~~ Veterinary technology -- denial,
 21 suspension, and revocation of licenses or certificates. The
 22 board may, with respect to the practice of veterinary
 23 technology, deny or suspend or revoke any license or
 24 certificate of registration upon the grounds that the
 25 applicant or veterinary technician is guilty of:

- 1 (1) soliciting patients for any practitioner of the
- 2 healing arts;
- 3 (2) soliciting or receiving any form of compensation
- 4 from any person other than his registered employer for
- 5 performing as a veterinary technician;
- 6 (3) willfully or negligently divulging a professional
- 7 confidence or discussing a veterinarian's diagnosis, or
- 8 treatment, without the express permission of the
- 9 veterinarian;
- 10 (4) any offense punishable by incarceration in a state
- 11 penitentiary or federal prison. A copy of the record of
- 12 conviction, certified to by the clerk of the court entering
- 13 the conviction, ~~shall be~~ is conclusive evidence, provided
- 14 that at the conclusion of state supervision imposed as a
- 15 consequence of such conviction the board ~~shall~~ may not
- 16 consider the conviction upon reapplication for a license or
- 17 certificate;
- 18 (5) the habitual or excessive use of intoxicants or
- 19 drugs;
- 20 (6) fraud or misrepresentation in applying for or
- 21 procuring a certificate of qualification to perform as a
- 22 veterinary technician, or in applying for or procuring an
- 23 annual registration;
- 24 (7) impersonating another person registered as a
- 25 veterinary technician or allowing any person to use his

1 certificate of qualification or registration;
 2 (8) aiding or abetting the practice of veterinary
 3 medicine by a person not licensed by the board;
 4 (9) gross negligence in the performance of duties,
 5 tasks, or functions assigned to him by a licensed
 6 veterinarian; or
 7 (10) manifest incapacity or incompetence to perform as
 8 a veterinary technician."

9 Section 21. Section 66-2358, R.C.M. 1947, is amended
 10 to read as follows:

11 "66-2358. Application for registration -- fees. (1)
 12 Applications for registration shall be on forms prescribed
 13 by the board and furnished by the department, shall contain
 14 statements made under oath, showing the applicant's
 15 education and a detailed summary of his technical work, and
 16 shall contain not less than five ~~(5)~~ references, of whom
 17 three ~~(3)~~ or more shall be engineers or land surveyors
 18 having personal knowledge of his engineering or land
 19 surveying experience.

20 (2) The registration fee for professional engineers is
 21 ~~fifty-dollars-(\$50), thirty-dollars-(\$30)~~ of which shall
 22 accompany application, the remaining ~~twenty-dollars-(\$20)~~ to
 23 be paid on issuance of a certificate. ~~When whenever~~ a
 24 certificate of qualification issued by the ~~national--bureau~~
 25 ~~of---engineering---registration committee on national~~

1 ~~engineering certification of the national council of~~
 2 ~~engineering examiners~~ is accepted as evidence of
 3 qualification, the total fee for registration as
 4 professional engineer is ~~thirty-dollars-(\$30)~~.

5 (3) The fee for engineer-in-training is ~~twenty-dollars~~
 6 ~~(\$20)~~, which shall accompany the application and shall
 7 ~~include includes~~ the cost of examination and issuance of a
 8 certificate. ~~When whenever~~ certification as an
 9 engineer-in-training by another state or a territory or
 10 possession of the United States or country, is accepted as
 11 evidence of qualification, the fee for engineer-in-training
 12 is ~~ten--dollars--(\$10)~~. ~~When whenever~~ registration as a
 13 professional engineer is completed by an
 14 engineer-in-training, an additional fee of ~~twenty-five~~
 15 ~~dollars-(\$25)~~ shall be paid before issuance of a certificate
 16 as a professional engineer.

17 (4) The registration fee for land surveyors is ~~fifty~~
 18 ~~dollars--(\$50)~~, which shall accompany the application. The
 19 fee for registration as both a professional engineer and
 20 land surveyor is ~~seventy-dollars-(\$70), fifty-dollars-(\$50)~~
 21 of which shall accompany the application, the remaining
 22 ~~twenty---dollars---(\$20)~~ to be paid on issuance of a
 23 certificate.

24 (5) If the board denies issuance of a certificate of
 25 registration to any applicant, the initial fee deposited

1 shall be retained as an application fee."

2 Section 22. Section 66-2402, R.C.M. 1947, is amended
3 to read as follows:

4 "66-2402. Application for state license --
5 qualifications of licensees. (1) A person desiring to work
6 at the business of plumbing in the state of Montana shall
7 file his application for a license with the department and
8 shall at the time and place designated by the board be
9 examined as to his qualifications for working in this
10 business.

11 (2) The following requirements shall be set by
12 applicants for a journeyman plumber's license:

13 ~~(a) -- for journeyman-plumber:~~

14 ~~(1)(a)~~ A specific record of ~~four--(4)~~ years years
15 experience in the field of plumbing of a character
16 satisfactory to the board. This experience requirement may
17 be fulfilled by working ~~four--(4)~~ years in a major phase of
18 the plumbing business, or by completing an apprenticeship
19 program meeting the standards set by the department of labor
20 and industry or the United States department of labor,
21 bureau of apprenticeship, or credit towards this experience
22 requirement may be given for time spent attending an
23 accredited trade or other ~~schools~~ school specializing in
24 training of value in the field of plumbing and approved by
25 the board.

1 ~~(1)(b)~~ Satisfactory satisfactory completion of an
2 examination conducted by the department, subject to section
3 82A-1503(4), testing the applicant's knowledge of techniques
4 and methods employed in the field of plumbing, and
5 establishing by practical demonstration his competence in
6 the special skills required in the field of plumbing.

7 ~~(1)(2)~~ A licensed journeyman plumber may perform
8 work only in the employment of a licensed master plumber
9 unless otherwise permitted by rule of the board.

10 ~~(b)(4)~~ For master-plumbers, the following requirements
11 shall be met by an applicant for a master plumbers' license:

12 ~~(1)(a)~~ Evidence evidence of ~~four--(4)~~ years years
13 experience as a journeyman plumber in the field of plumbing
14 of a character satisfactory to the board;

15 ~~(1)(b)~~ Evidence evidence of ~~three--(3)~~ years years
16 experience in supervisory capacities in the field of
17 plumbing, which may run concurrently with the requirement in
18 ~~(1) above subsection (4)(a):~~

19 ~~(1)(c)~~ Satisfactory satisfactory completion of an
20 examination for master plumbers testing his knowledge of the
21 field of plumbing and demonstrating his skill and ability
22 in the field of plumbing.

23 ~~(1)(2)~~ A master plumber is not authorized to perform
24 the work of a journeyman plumber unless he is also licensed
25 as a journeyman plumber. A licensed master plumber may

1 employ ~~only~~ apprentice plumbers registered with the state
 2 department of labor and industry and only journeyman
 3 plumbers who are licensed by the state of Montana ~~in the~~
 4 ~~conduct of his business,~~ and ~~shall be~~ A master plumber is
 5 responsible for assuring that all work performed by such
 6 employees ~~shall be~~ is in compliance with the state plumbing
 7 code."

8 Section 23. Section 66-2411, R.C.M. 1947, is amended
 9 to read as follows:

10 "66-2411. Penalty for violations -- exceptions from
 11 ~~act chapter.~~ Any ~~A~~ person working who works at the field of
 12 plumbing or ~~maintaining~~ maintains or ~~conducting~~ conducts a
 13 plumbing business, or ~~any~~ an individual who connects or
 14 disconnects plumbing from a public water or sewer system in
 15 violation of any provisions of this ~~act,~~ chapter or at a
 16 time when he is not exempt from the provisions of this ~~act~~
 17 chapter pursuant to the provisions of a duly enacted and
 18 subsisting ordinance of ~~such a~~ city or town ~~shall be deemed~~
 19 is guilty of a misdemeanor, and, upon conviction thereof in
 20 any court of competent jurisdiction, shall be punished by a
 21 fine of not less than ~~ten dollars~~ \$10 and not more than ~~one~~
 22 ~~hundred--dollars~~ \$100 for each separate offense, ~~provided,~~
 23 ~~however--that~~ However, this ~~act~~ chapter shall not be
 24 construed to apply to or affect plumbing or pipefitting
 25 as indicated in the ~~section 66-2401(2) and section--65-2426~~

1 ~~66-2426~~ exceptions."

2 Section 24. Section 66-2502, R.C.M. 1947, is amended
 3 to read as follows:

4 "66-2502. Qualifications of applicants for license. To
 5 be eligible for a license as a physical therapist, an
 6 applicant must:

7 (1) ~~Be~~ be of good moral character;
 8 (2) ~~Have been~~ have graduated from a school of physical
 9 therapy approved by the council of medical education and
 10 hospitals of the ~~American Medical--Association~~ medical
 11 association;

12 (3) ~~Either~~ either:

13 (a) pass to the satisfaction of the board an
 14 examination to determine his fitness for practice as a
 15 physical therapist; or

16 (b) be entitled to a license without examination under
 17 ~~section 66-2505 or 66-2506."~~

18 Section 25. Section 66-2509, R.C.M. 1947, is amended
 19 to read as follows:

20 "66-2509. Refusal to issue or renew license --
 21 grounds. The board, after due notice and hearing, may refuse
 22 to license any applicant, and may refuse to renew the
 23 license of any licensed person:

24 (1) ~~Who~~ who is habitually intoxicated or who is
 25 addicted to the use of narcotic drugs;

1 (2) Who who has been convicted of violating any state
2 or federal narcotic law, subject to Title 66, chapter 40;

3 (3) Who who is, in the judgment of the board, guilty
4 of immoral or unprofessional conduct;

5 (4) Who who has been convicted of any crime involving
6 moral turpitude, subject to Title 66, chapter 40;

7 (5) Who who is guilty, in the judgment of the board,
8 of gross negligence in his practice as a physical therapist;

9 (6) Who who has obtained or attempted to obtain
10 registration by fraud or material misrepresentation;

11 (7) Who who has been declared ~~insane to be seriously~~
12 ~~mentally ill~~ by a court of competent jurisdiction and has
13 not thereafter been ~~lawfully declared sane~~ released from
14 treatment;

15 (8) Who who has treated or undertaken to treat
16 ailments of human beings otherwise than by physical therapy
17 or who has undertaken to practice physical therapy
18 independent of prescription from a person who holds an
19 unlimited license to practice medicine and surgery in the
20 ~~state of Montana and other states and territories."~~

21 Section 26. There is a new R.C.M. section that reads
22 as follows:

23 Terminology changed. Unless inconsistent with the clear
24 intent of the context in which such terms appear, any
25 reference in 66-2901, to the terms "masseur" or "masseuse"

1 means "massage therapist". Any reference in 66-2902 through
2 66-2914, to the term "masseur" means "massage therapist" and
3 any reference to "massage" means "massage therapy".

4 Section 27. Section 66-3017, R.C.M. 1947, is amended
5 to read as follows:

6 "66-3017. Revocation or suspension for cause. Any A
7 person registered under this act ~~chapter~~ may have his
8 license revoked or suspended for a fixed period to be
9 determined by the board for any of the following causes:

10 (1) ~~Being being~~ convicted of a felony, subject to
11 Title 66, chapter 40. The record of the conviction or a
12 certified copy from the clerk of the court where the
13 conviction occurred or certification by the judge of the
14 court, ~~shall be sufficient is conclusive~~ evidence ~~to warrant~~
15 ~~revocation or suspension of the conviction; provided except~~
16 that ~~if~~ the person has ~~not~~ been pardoned by a governor or
17 the president of the United States, the conviction does not
18 constitute grounds for revocation or suspension.

19 (2) By securing a license under this act ~~chapter~~
20 through fraud or deceit or false statements; i

21 (3) For ~~for~~ the personal use of a false name or alias
22 in the practice of his profession, with fraudulent intent; i

23 (4) For ~~for~~ violating any of the provisions of this
24 ~~act, chapter~~ i

25 (5) For ~~for~~ obtaining any fee or making any sale by

1 fraud or misrepresentation;
 2 (6) ~~Knowingly~~ knowingly employing directly or
 3 indirectly any suspended or unlicensed person to perform any
 4 work covered by this ~~act~~ chapter;
 5 (7) ~~Using~~ using or causing or promoting the use of any
 6 advertising matter, promotional literature, testimonial,
 7 guarantee, warranty, label, brand, insignia, or any other
 8 representation however disseminated or published, which is
 9 improbable, misleading, deceptive, or untruthful;
 10 (8) ~~Representing~~ representing that the services or
 11 advice of a person licensed to practice medicine or
 12 possessing certification as an audiologist will be used or
 13 made available in the selection, fitting, adjustment,
 14 maintenance, or repair of hearing aids when that is not
 15 true, or using the terms "doctor," "clinic," "state
 16 registered," or other like words, abbreviations, or symbols
 17 which tend to connote the medical profession when that use
 18 is not accurate. The term "hearing center" shall be
 19 discontinued in accordance with the code of ethics of the
 20 ~~National Hearing Aid Society~~ National hearing aid society.
 21 (9) ~~Permitting~~ permitting another to use his license
 22 or certificate;
 23 (10) ~~To--defame~~ defaming competitors by falsely
 24 imputing to them dishonorable conduct, inability to perform
 25 contracts, questionable credit standing, or by other false

1 representations, or falsely ~~to--disparage~~ disparaging the
 2 products of competitors in any respect, or their business
 3 methods, selling prices, values, credit terms, policies, or
 4 services;
 5 (11) ~~To--obtain~~ obtaining information concerning the
 6 business of a competitor by bribery of an employee or agent
 7 of such competitor, by false or misleading statements or
 8 representations, by the impersonation of one in authority,
 9 or by any other ~~lawful~~ unlawful means;
 10 (12) ~~To directly or indirectly give~~ giving or offer
 11 offering to give, or ~~permit~~ permitting or ~~cause~~ causing to
 12 be given money or anything of value to any person who
 13 advises another in a professional capacity as an inducement
 14 to influence others to purchase or contract to purchase
 15 products sold or offered for sale by a hearing aid
 16 dispenser, or ~~to--influence~~ influencing persons to refrain
 17 from dealing in the products of competitors;
 18 (13) ~~Unethical~~ unethical conduct or gross incompetence
 19 or negligence in the performance of his duties, including
 20 repeated failure to make indicated medical referrals of his
 21 customers;
 22 (14) ~~Setting~~ selling a hearing aid to a person who has
 23 not been given tests utilizing appropriate established
 24 procedures and instrumentation in fitting of hearing aids,
 25 except in cases of selling replacement hearing aids."

1 Section 28. Section 66-3022, R.C.M. 1947, is amended
2 to read as follows:

3 "66-3022. Licensee entitled to disciplinary hearing ~~if~~
4 ~~duly-requested--right-to-appeal.~~ (1) No license issued under
5 this ~~act~~ chapter may be suspended, revoked, denied, or
6 renewal denied without notice and opportunity for a hearing
7 ~~if-requested-by-the-applicant."~~

8 Section 29. Section 66-3319, R.C.M. 1947, is amended
9 to read as follows:

10 "66-3319. Confidentiality of information. (1) Any A
11 licensee or officer, director, partner, or manager of a
12 licensee may divulge to any law enforcement officer or
13 district county attorney, or his representative, any
14 information he may acquire as to any criminal offense, but
15 he ~~shall~~ may not divulge to any other person, except as he
16 ~~may-be~~ required by law ~~so-to-do~~, any information acquired by
17 him except at the direction of the employer or client for
18 whom the information was obtained.

19 (2) No licensee or officer, director, partner,
20 manager, or employee of a licensee ~~shall~~ may knowingly make
21 any false report to his employer or client for whom
22 information was being obtained.

23 (3) No written report ~~shall~~ may be submitted to a
24 client except by the licensee, qualifying manager, or a
25 person authorized by ~~one-(1)-or~~ either of them, and ~~such the~~

1 person submitting the report shall exercise diligence in
2 ascertaining whether or not the facts and information in
3 ~~such the a~~ report are true and correct.

4 (4) No licensee, or officer, director, partner,
5 manager, or employee of a private investigator ~~shall~~ may use
6 a badge in connection with the official activities of the
7 licensee's business.

8 (5) No licensee, or officer, director, partner,
9 manager, or employee of a licensee ~~shall~~ may use a title, or
10 wear a uniform, or use an identification card, or make any
11 statement with the intent to give an impression that he is
12 connected in any way with the federal government, a state
13 government, or any political subdivision of a state
14 government.

15 (6) No licensee, or officer, director, partner,
16 manager, or employee of a licensee ~~shall~~ may enter any
17 private building or portion thereof without the consent of
18 the owner or of the person in legal possession thereof.

19 (7) No private patrol licensee, or officer, director,
20 partner, manager, or employee of a private patrol licensee
21 ~~shall~~ may use a badge, except while engaged in guard or
22 patrol work and while wearing a uniform."

23 section 30. Section 66-3411, R.C.M. 1947, is amended
24 to read as follows:

25 "66-3411. Refusal to issue, suspension, revocation of

1 license -- probation -- notice -- hearing -- reinstatement.
 2 (1) The board may refuse to issue or may suspend or revoke a
 3 license issued pursuant to this ~~act chapter~~ for any one ~~of~~
 4 or any combination of the following causes:
 5 (a) conviction of a felony or conviction of a
 6 violation of any state or federal law regulating the
 7 possession, distribution, or use of any controlled
 8 substance, as shown by a certified copy of record of the
 9 court, subject to Title 66, chapter 40;
 10 (b) being adjudicated incompetent or ~~insane~~ seriously
 11 mentally ill;
 12 (c) sustaining a physical or mental disability which
 13 renders further practice dangerous;
 14 (d) habitual ~~drunkenness~~ drunkenness or habitual
 15 addiction to the use of a controlled substance;
 16 (e) gross malpractice;
 17 (f) engaging in any dishonorable, unethical, or
 18 unprofessional conduct which may deceive, defraud, or harm
 19 the public or which is unbecoming a person licensed to
 20 practice under this ~~act chapter~~;
 21 (g) ~~the~~ obtaining of or any attempt to obtain a
 22 license or practice in the profession for money or any other
 23 thing of value by fraudulent misrepresentations;
 24 (h) advertising by means of knowingly false or
 25 deceptive statement;

1 (i) advertising, practicing, or attempting to practice
 2 under a name other than one's own;
 3 (j) using any false, fraudulent, or forged statement
 4 or document, or engaging in any fraudulent, deceitful,
 5 dishonest, or immoral practice in connection with the
 6 licensing requirements of this ~~act chapter~~; or
 7 (k) violating or attempting to violate, or assisting
 8 or abetting the violation of, or conspiring to violate any
 9 provision of this ~~act chapter~~.
 10 (2) Any person, including any member of the board, may
 11 file a sworn complaint with the secretary of the board
 12 against any person having a license to practice acupuncture
 13 in this state, charging him with the commission of any of
 14 the offenses set forth in subsection (1) of this section,
 15 which complaint shall set forth a specification of the
 16 charges. When ~~such~~ the complaint is filed, the secretary
 17 shall mail a copy thereof to the person so accused, at his
 18 last address of record with the board, together with a
 19 written ~~citation~~ notice of the time and place of a hearing
 20 thereon, advising him that he may be present in person and
 21 by counsel if he so desires, to offer evidence and be heard
 22 in his defense. The time fixed for hearing ~~shall~~ may not be
 23 ~~not~~ less than ~~thirty~~ {30} days from the date of mailing the
 24 notice. The contested case procedures of the Montana
 25 Administrative Procedure Act ~~{82-4201--to--82-4225}~~ shall

1 apply to the notice and hearing ~~requirements of~~ required by
 2 ~~section 11-66-3411 of this act~~ this section, except that
 3 neither common law nor statutory rules of evidence need
 4 apply, but the board may make rules designed to exclude
 5 repetitive, redundant, or irrelevant testimony.

6 (3) At the time and place fixed for a hearing before
 7 the board as provided in subsection (2) of this section, or
 8 at any time and place to which the matter may be continued,
 9 the board shall receive evidence upon the subject under
 10 consideration and shall accord the person against whom
 11 charges are preferred a full and fair opportunity to be
 12 heard in his defense and shall after consideration adopt a
 13 resolution finding him guilty or not guilty of the matters
 14 charged. If the board finds that the conditions referred to
 15 in subsection (1) of this section do not exist with
 16 reference to the person or if he be is found not guilty, the
 17 board shall dismiss the charges or complaint, but if the
 18 board ~~does find~~ finds that the conditions referred to in
 19 subsection (1) of this section do exist and the person is
 20 found guilty, the board shall:

- 21 (a) revoke his license;
- 22 (b) suspend his right to practice for a period not
- 23 exceeding ~~one (1)~~ year;
- 24 (c) suspend its judgment of revocation upon the terms
- 25 and conditions to be determined by the board;

- 1 (d) place him on probation; or
- 2 (e) take such other action in relation to disciplining
- 3 him as the board in its discretion ~~may deem~~ considers
- 4 proper.

5 (4) The secretary of the board in all cases of
 6 revocation, suspension, or probation shall enter in its
 7 records the facts of the action, and of any subsequent
 8 action of the board with respect thereto.

9 (5) Upon the expiration of the term of suspension, the
 10 licensee shall be reinstated by the board, provided the
 11 licensee ~~shall furnish~~ furnishes the board with evidence
 12 that he is then of good moral character and conduct and
 13 restored to good health and that he has not practiced
 14 acupuncture in this state during the term of suspension. If
 15 the evidence fails to establish to the satisfaction of the
 16 board that the licensee is then of good moral character and
 17 conduct or ~~if not~~ restored to good health or if the evidence
 18 shows he has practiced acupuncture in this state during the
 19 term of suspension, the board shall revoke the license at a
 20 hearing, the notice and procedure of which shall be as
 21 ~~hereinabove herein~~ provided, which revocation ~~shall then be~~
 22 is final and absolute."

23 Section 31. Section 66-3505, R.C.M. 1947, is amended
 24 to read as follows:

25 "66-3505. ~~Formered-account~~ Deposit of fees. Money

1 paid for license and equipment fees under this act chapter
2 shall be deposited in ~~an~~ the earmarked revenue account fund
3 for the use of the board, subject to section 82A-1603(6)."

4 Section 32. Section 66-3607, R.C.M. 1947, is amended
5 to read as follows:

6 "66-3607. Authority to create rules -- penalties. (1)
7 The board may adopt rules in accordance with the Montana
8 Administrative Procedure Act to implement this act chapter
9 and to properly regulate this profession.

10 (2) Penalties--for--violations Violation of this act
11 chapter, and ~~or~~ of the rules adopted under it ~~are--provided~~
12 ~~in--section--66-011, R.C.M. 1947 is a misdemeanor punishable~~
13 ~~by a fine, imprisonment, or by both fine and imprisonment."~~

14 Section 33. Section 66-3809, R.C.M. 1947, is amended
15 to read as follows:

16 "66-3809. Registrant status. (1) ~~It--certificates~~
17 ~~certificates~~ of licensing ~~shall~~ may be issued to natural
18 persons only, but nothing contained in this act chapter
19 prevents a duly licensed landscape architect from performing
20 his services for a corporation, firm, partnership, or
21 association.

22 (2) Each partner in a partnership of landscape
23 architects shall be licensed to practice landscape
24 architecture. Subject to this requirement, a partnership of
25 landscape architects may use a partnership name if such the

1 name consists of:

2 (a) the names of two ~~to~~ or more landscape
3 architects;~~or~~

4 (b) the names of one ~~to~~ or more landscape architects
5 and one ~~to~~ or more professional engineers, architects, or
6 planners.

7 (3) ~~Any~~ A person applying to the licensing official of
8 any county or city for a business license to practice
9 landscape architecture shall at the time of such application
10 exhibit to ~~such~~ the licensing official satisfactory evidence
11 under the seal of the board and the hand of its secretary
12 that the applicant possesses a current registration with the
13 board. The license may not be granted until such evidence
14 is presented."

15 Section 34. Section 66-3906, R.C.M. 1947, is amended
16 to read as follows:

17 "66-3906. Qualifications and requirements for
18 licensure. (1) To be eligible for licensing by the board as
19 a speech pathologist or audiologist, the applicant must:

20 ~~to~~(a) meet the current academic, supervised clinical
21 practicum, and post classroom sponsored employment
22 requirements of the ASHA;

23 ~~to~~(b) pass an examination approved by the board.

24 (2) The board shall determine the subject and scope of
25 the examination. Written examinations may be supplemented

1 by such oral examinations as the board ~~shall determine~~
 2 ~~determines~~. An applicant who fails his examination may be
 3 reexamined at a subsequent examination upon payment of
 4 another ~~licensing examination~~ fee. An applicant who fails
 5 two successive examinations may apply for reexamination
 6 after ~~two~~ 2 years of additional professional experience or
 7 training."

8 Section 35. Section 93-2002, R.C.M. 1947, is amended
 9 to read as follows:

10 "93-2002. Qualifications, examination~~s~~ and admission.
 11 ~~(1) Every~~ Each applicant for admission as an attorney and
 12 counselor must produce satisfactory testimonials of good
 13 moral character~~v~~ and a certificate of one or more reputable
 14 ~~counselors-at-law~~ counselors-at-law that he has been engaged
 15 in the study of law for ~~two~~ 2 successive years prior to the
 16 making of such application~~v~~ and undergo a strict examination
 17 as to his qualifications by any one or more of the justices
 18 of the supreme court. The form and manner of the
 19 examination shall be as the justices may, from time to time,
 20 determine~~t~~. ~~provided, however, that~~ However, a diploma from
 21 the department ~~of law of the University~~ university of
 22 Montana law school at Missoula~~v~~ or other evidence of having
 23 completed the 1-year course in law of ~~three--years~~ of said
 24 department~~v~~ that school shall entitle ~~entitles~~
 25 a license to practice law in all the courts of this state,

1 subject to the right of the chief justice of the supreme
 2 court of ~~the state~~ to order an examination as in ordinary
 3 cases of applicants without such diploma or evidence.

4 ~~(2) Nothing in this section shall deny an applicant~~
 5 ~~the right to admission by examination during the years 1974~~
 6 ~~and 1975 who was found qualified for admission by~~
 7 ~~examination by the supreme court prior to January 1, 1970."~~

8 Section 36. Repealer. Sections 66-1510, 66-1517,
 9 66-1518, 66-1519, 66-1523, 66-1524, 66-2104(1), 66-2120, and
 10 93-2029 through 93-2037, R.C.M. 1947, are repealed.

-End-