

1 HOUSE BILL NO. 385

2 INTRODUCED BY ROTH, MANUEL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR LAY
5 REPRESENTATION ON BOARD OF MEDICAL EXAMINERS IN MATTERS
6 INVOLVING UNPROFESSIONAL CONDUCT; AND ADDING SECTIONS
7 66-1037.1 THROUGH 66-1037.3, R.C.M. 1947."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10 Section 1. There is a new R.C.M. section numbered
11 66-1037.1 that reads as follows:

12 66-1037.1. Lay panel to serve with board of medical
13 examiners in certain matters relating to unprofessional
14 conduct. (1) There is created a panel of lay members to
15 serve with and as members of the board of medical examiners
16 in all matters charging the commission of any offenses set
17 forth in 66-1037 or 66-1038(1), whose sole function is to
18 hear and finally decide, in conjunction with the regularly
19 appointed board of medical examiners, the merits of any such
20 charges, and, to this extent, participate in the adoption of
21 any final resolution and the determination of appropriate
22 disciplinary measures to be taken, if any, pertaining
23 thereto.

24 (2) This lay panel is composed of six lay members
25 appointed by the governor who have never engaged in the

1 practice of medicine and who reside in different
2 geographical areas of the state; each of these six members
3 shall be representative of a different industry, business,
4 occupation, or profession, whether or not presently actively
5 engaged or retired.

6 Section 2. There is a new R.C.M. section numbered
7 66-1037.2 that reads as follows:

8 66-1037.2. Terms of lay member appointees --
9 vacancies. All original lay member appointees will serve
10 until January 1, 1980. Their successors will serve for
11 4-year terms. Appointments provided for in this section
12 shall be made within 30 days of the completion of the
13 preceding terms or within 30 days of the occurrence of any
14 vacancy. In the event a vacancy occurs on the lay panel, the
15 governor shall appoint a replacement for the remainder of
16 the term.

17 Section 3. There is a new R.C.M. section numbered
18 66-1037.3 that reads as follows:

19 66-1037.3. Quorum -- integration with other
20 provisions. (1) When the seven member board of medical
21 examiners and the lay panel convene to hear and decide
22 charges of unprofessional conduct as set forth in 66-1037 or
23 matters pertaining to 66-1038(1), seven members will
24 constitute a quorum.

25 (2) Where otherwise applicable, all provisions

1 referring to the board of medical examiners and its members
2 shall also apply to this lay panel and its members unless
3 inconsistent with this section and 66-1037.1 and 66-1037.2.

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