

1 H. BILL NO. 408
 2 INTRODUCED BY *Timothy A. Kelly*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT
 5 INFORMATION CONCERNING THE COMPETENCY AND CONDUCT OF
 6 LICENSED PHYSICIANS BE REPORTED TO THE STATE BOARD OF
 7 MEDICAL EXAMINERS."
 8

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

10 Section 1. Report to board of incompetence or
 11 unprofessional conduct. (1) Notwithstanding any provision of
 12 state law dealing with confidentiality, each licensed
 13 physician, professional standards review organization, and
 14 the Montana medical association or any component society
 15 thereof shall and any other person may report to the state
 16 board of medical examiners any information such physician,
 17 organization, association, society, or person has which
 18 appears to show that a physician is:

- 19 (a) medically incompetent;
- 20 (b) mentally or physically unable to safely engage in
- 21 the practice of medicine; or
- 22 (c) guilty of unprofessional conduct.

23 (2) This section applies to professional standards
 24 review organizations only to the extent that such
 25 organizations are not prohibited from disclosing such

1 information under federal law.

2 Section 2. Insurer to report to board. Any insurer
 3 that issues or underwrites professional liability insurance
 4 in this state to any physician licensed to practice medicine
 5 shall report any claim against the insured for alleged
 6 professional negligence to the state board of medical
 7 examiners within 30 days after receiving notice of the claim
 8 from the insured or any other person. The report required by
 9 this section shall include the name of the insured, the name
 10 of the person making the claim, and the reason or reasons
 11 for which the claim is made.

12 Section 3. Hospital to report to board. Each hospital
 13 or health care facility which prohibits or limits the
 14 privilege of a physician to practice medicine within that
 15 facility shall report such action to the state board of
 16 medical examiners within 30 days after the action is taken
 17 if the action is based in whole or in part upon the
 18 commission of one or more of the offenses or the existence
 19 of one or more of the conditions set forth in 66-1037 or
 20 66-1038(1). The report shall include the reason or reasons
 21 for the prohibition or limitation.

22 Section 4. Immunity of persons providing information.
 23 A person, organization, association, society, or health care
 24 facility which in good faith provides information to the
 25 state board of medical examiners as required by [section 1,

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1 2, or 3] is not subject to suit for civil damages as a
2 result thereof.

3 Section 5. Suspension of license or privilege for
4 noncompliance. The willful failure of any person,
5 organization, association, society, or health care facility
6 to comply with [section 1, 2, or 3] is grounds for
7 suspension of any license or privilege granted by the state
8 of Montana. Upon such failure, the agency granting the
9 license or privilege may, in its discretion, suspend the
10 license or privilege for a period not to exceed 1 month.

-End-

Approved by Committee
on Judiciary

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2 INTRODUCED BY H. BILL NO. 408
Julia A. Lynch

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Pauline Kelly Lynch

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HOUSE BILL NO. 408

INTRODUCED BY QUILICI, MELOY, LYNCH

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