

House Bill 577

In The House

January 30, 1981	Introduced and referred to Committee on Business and Industry.
February 17, 1981	Committee recommend bill do pass.
February 18, 1981	Bill printed and placed on members' desks.
February 20, 1981	Second reading do pass.
February 21, 1981	Considered correctly engrossed.
February 24, 1981	Third reading passed.

In The Senate

March 2, 1981	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 25, 1981	Committee recommend bill not concurred.

In The House

March 26, 1981	Returned from Senate not concurred.
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HOUSE BILL NO. 577

INTRODUCED BY Harrington  
BY REQUEST OF

THE BOARD OF PROFESSIONAL AND OCCUPATIONAL LICENSING

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE CERTAIN LAWS ADMINISTERED BY THE MONTANA STATE BOARD OF MEDICAL EXAMINERS; TO PROVIDE FOR THE BOARD TO SET THE DATE OF ANNUAL ELECTION OF OFFICERS; TO PROVIDE FOR FORFEITURE INSTEAD OF REVOCATION OF LICENSE WHEN THE ANNUAL REGISTRATION FEE IS NOT PAID AND THAT THE LICENSEE SHALL RETAIN IN HIS OFFICE OR ON HIS PERSON EVIDENCE OF PAYMENT OF THE ANNUAL REGISTRATION FEE DURING THE PERIOD OF VALIDITY; TO PROVIDE FOR INSURERS UNDERWRITING PROFESSIONAL LIABILITY INSURANCE TO REPORT THE FINAL DISPOSITION OF ANY CLAIM FILED FOR ALLEGED PROFESSIONAL NEGLIGENCE TO THE BOARD; AMENDING SECTIONS 37-3-201, 37-3-313, AND 37-3-402, MCA."

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

Section 1. Section 37-3-201, MCA, is amended to read:  
"37-3-201. Organization. The board shall, ~~at the first meeting~~ each year, elect from among its members a president, vice-president, and secretary. The board shall adopt a seal in which appear the words "The Board of Medical Examiners of Montana" and the further words "Official Seal", and acts,

rules, orders, certificates, and licenses shall be authenticated by the seal."

Section 2. Section 37-3-313, MCA, is amended to read:

"37-3-313. Annual registration fees -- failure to pay -- limiting authority to impose registration fees. (1) In addition to the license fees required of applicants, a licensed physician actively practicing medicine in this state shall pay each year to the department an annual registration fee, not to exceed the sum of \$100, as prescribed by the board. If a person licensed to practice medicine absents himself from the state for a period of 1 or more years or does not engage in active practice in this state, he may continue his license in good standing by payment each year of a fee prescribed by the board in an amount not to exceed \$50 or, at the discretion of the board, he may be reinstated on the payment of a fee not to exceed \$50 for each year of absence or inactive practice.

(2) The annual payments for registration shall be made prior to April 1, and a receipt acknowledging payment of the annual registration fee shall be issued by the department. ~~The receipt acknowledging payment of the annual registration fee shall be retained in the office of the licensee or on the person of the licensee during its period of validity.~~ The department shall mail registration notices at least 60 days before the registration is due.

1 (3) In case of default in the payment of the annual  
 2 registration fee by a person licensed to practice medicine  
 3 who is actively practicing medicine in this state, his  
 4 underlying certificate to practice medicine may be ~~revoked~~  
 5 declared forfeited by the board on 30 days' notice given to  
 6 the delinquent of the time and place of considering the  
 7 revocation forfeiture. A registered or certified letter  
 8 addressed to the last-known address of the person failing to  
 9 comply with the requirements of annual registration, as the  
 10 address appears on the records of the department,  
 11 constitutes sufficient notice of intention to ~~revoke~~  
 12 consider the forfeiture of his underlying certificate. No  
 13 certificate may be ~~revoked~~ declared forfeit for nonpayment  
 14 if the person authorized to practice medicine, and notified,  
 15 pays the annual registration fee before or at the time fixed  
 16 for consideration of ~~revocation forfeiture~~, together with a  
 17 delinquency penalty of \$10. The department may collect the  
 18 dues by an action at law.

19 (4) No registration or license fee may be imposed on a  
 20 licensee under this chapter by a municipality or any other  
 21 subdivision of the state."

22 Section 3. Section 37-3-402, MCA, is amended to read:  
 23 "37-3-402. Insurer to report to board. Any insurer  
 24 that issues or underwrites professional liability insurance  
 25 in this state to any physician licensed to practice medicine

1 shall report any claim against the insured for alleged  
 2 professional negligence to the state board of medical  
 3 examiners within 30 days after receiving notice of the claim  
 4 from the insured or any other person. The report required by  
 5 this section shall include the name of the insured, the name  
 6 of the person making the claim, and the reason or reasons  
 7 for which the claim is made. The insurer shall also report  
 8 the final disposition of any claim for alleged professional  
 9 negligence to the state board of medical examiners within 30  
 10 days of the final disposition. The final disposition report  
 11 of each claim shall include the pertinent details and the  
 12 dollar settlement if any was awarded."

-End-

Approved by Committee  
on Business and Industry

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