

HOUSE BILL NO. 701

INTRODUCED BY WINSLOW, BENCTSON, HAGER  
BY REQUEST OF THE DEPARTMENT OF PROFESSIONAL AND  
OCCUPATIONAL LICENSING

IN THE HOUSE

February 10, 1981	Introduced and referred to Committee on Business and Industry.
February 19, 1981	Committee recommend bill do pass. Report adopted.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 24, 1981	Considered correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 94; Noses, 4. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
March 26, 1981	Committee recommend bill and statement of intent be concurred in as amended. Report adopted.
March 28, 1981	Motion pass consideration.
March 30, 1981	Motion pass consideration.
March 31, 1981	Second reading, concurred in.

March 31, 1981

On motion rules suspended.  
Bill placed on calendar for  
third reading this day and  
allowed to be transmitted  
on 71st legislative day.  
Motion adopted.

Third reading, concurred  
in as amended. Ayes, 48;  
Noes, 0.

IN THE HOUSE

April 1, 1981

Returned from Senate with  
amendments and statement  
of intent.

April 9, 1981

Second reading, amendments  
concurred in.

On motion rules suspended  
and bill placed on third  
reading this day.

Third reading, amendments  
concurred in. Ayes, 92;  
Noes, 1. Sent to enrolling.

Reported correctly enrolled.

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

19 Section 1. Section 37-11-203, MCA, is amended to read:

20 ~~"37-11-203. Travel expense -- deposit of fees. (1)~~

21 Each board member shall be reimbursed for travel expenses as

22 provided for in 2-18-501 through 2-18-503 for each day

23 actually engaged in the duties of his office.

24 ~~(2) Each board member is entitled to receive \$25 a day~~

25 ~~compensation for each day in actual attendance at a meeting~~

1 of the boards.

2 f27131 All fees collected by the department shall be

3 deposited in the earmarked revenue account for the use of

4 the board, subject to 37-1-101(6). The department shall keep

5 an accurate account of funds received and expenditures made

6 from the account.

7 f37--The-board--of--medical--examiners--shall--transfer

8 funds--in--the--earmarked--revenue--account--collected--after

9 January 1, 1979,--which--were--derived--from--the--examination--and

10 licensure--or--relicensure--of--physical--therapists--in--this

11 state--to--the--earmarked--account--designated--as--the--"physical

12 therapist--account"--"

13 Section 2. Section 37-11-303, MCA, is amended to read:

14 "37-11-303. Qualifications of applicants for license.

15 To be eligible for a license as a physical therapist, an

16 applicant must:

17 (1) be of good moral character and at least 18 years

18 of age;

19 (2) have graduated from an accredited school of

20 physical therapy approved by the board;

21 (3) either:

22 (a) pass to the satisfaction of the board an a written

23 examination prescribed by the board and, if considered

24 necessary, an oral interview to determine his the fitness

25 for of the applicant to practice as a physical therapist; or

1       (b) be entitled to a license without examination under  
 2 37-11-307."

3       Section 3. Section 37-11-304, MCA, is amended to read:  
 4       "37-11-304. Application for examination -- fee. (1)  
 5 Unless entitled to a license under 37-11-307, a person who  
 6 desires to be licensed as a physical therapist shall apply  
 7 to the department in writing, on ~~a~~ an application form  
 8 furnished by the department. He shall embody in that  
 9 application evidence under oath, satisfactory to the board,  
 10 of his possessing the qualifications preliminary to  
 11 examination required by 37-11-303.

12       (2) ~~He shall pay to the department at the time of  
 13 fitting his application a fee as established by the board -- by  
 14 rule -- Said fee shall be commensurate with the cost of the  
 15 examination and its administration and shall be deposited in  
 16 the earmarked revenue fund for the use of the board, subject  
 17 to 37-11-304.6. Applicants for examination shall file with  
 18 the department the application, which shall include, when  
 19 required by board rule:~~

20       ~~(a) an application fee as established by the board by  
 21 rule. The application fee shall include the original  
 22 licensure fee. The fee shall be commensurate with the cost  
 23 of the examination and its administration.~~

24       ~~(b) three affidavits of good moral character;~~  
 25       ~~(c) a recent photograph of the applicant;~~

1       (d) verification of physical therapy instruction and  
 2 graduation from a board-approved physical therapy school.  
 3       (3) All applications for examination must be filed  
 4 with the department 45 days prior to the scheduled  
 5 examination date.

6       (4) The board may adopt necessary and reasonable rules  
 7 governing the application procedures.

8       ~~t37151~~ Anyone failing to pass the required examination  
 9 is entitled to a second examination within 6 months. The fee  
 10 for a subsequent examination shall be commensurate with the  
 11 cost of the examination and the administration of the  
 12 examination."

13       Section 4. Section 37-11-307, MCA, is amended to read:  
 14       "37-11-307. Applicants licensed in other states. The  
 15 board may, in its discretion, authorize the department to  
 16 license as a physical therapist, without examination, on the  
 17 payment of the required fee, not to exceed \$100, as  
 18 established by the board, an applicant for license who is a  
 19 physical therapist licensed under the laws of another state  
 20 or territory if the requirements for a license for physical  
 21 therapists in the state or territory in which the applicant  
 22 was licensed were at the date of his license substantially  
 23 equal to the requirements in force in this state. However,  
 24 the board may require a written, oral, or practical  
 25 examination. The board shall adopt necessary and reasonable

1   rules governing application procedures for applicants  
2   licensed in other states."

3   Section 5. Section 37-11-308, MCA, is amended to read:  
4   "37-11-308. Annual renewal of license -- fee. A  
5   licensed physical therapist shall, during January, apply to  
6   the department for a renewal of his license and pay a fee  
7   not to exceed \$50 which shall be set by board rule. A  
8   license that is not renewed before April every year  
9   automatically lapses. The board may, in its discretion,  
10   revive and renew a lapsed license on the payment of all past  
11   unpaid renewal fees or a late renewal fee, or both."

12   Section 6. Section 37-11-309, MCA, is amended to read:  
13   "37-11-309. Temporary license. (1) On payment to the  
14   department of a fee not to exceed \$100 which shall be set by  
15   board rule and the submission of a written application on  
16   forms provided by it, the department shall issue, without  
17   examination, a temporary license to practice physical  
18   therapy in this state for a period not to exceed 1 year to a  
19   person who meets the qualifications set forth in 37-11-303,  
20   on submission by the person of evidence satisfactory to the  
21   board that he is in this state on a temporary basis to  
22   assist in a case of medical emergency or to engage in a  
23   special physical therapy project.

24   (2) On-the-submission The board may, upon receipt of a  
25   written application on--forms--provided--by--it--the

1   department--shall for examination and upon receipt of a  
2   temporary license fee not to exceed \$100, issue a temporary  
3   license to a person who has applied for a license under this  
4   chapter and who is, in the judgment of the board, eligible  
5   to take the examination provided for in 37-11-303. This  
6   applicant must work under the directions, guidance, and  
7   observation of a licensed physical therapist. This temporary  
8   license is available to an applicant only with respect to  
9   his first application for a license under 37-11-307, or to  
10   a foreign-trained-physicist-therapist, and the temporary  
11   license expires shall expire when the board makes a final  
12   determination with respect to the application on the  
13   applicant's examination scores.

14       (3) The board may require an oral interview of all  
15   persons applying for a temporary license.

16       (4) The board shall adopt necessary and reasonable  
17   rules governing the procedures for applying and issuing  
18   temporary licenses."

19   Section 7. Coordinating instruction. (1) If Bill  
20   [LC 1290] introduced in the 47th legislature is passed and  
21   approved, that portion of section 1, or such other section  
22   of this act that adds a new subsection (2) to 37-11-203  
23   relating to the compensation of board members, is void and  
24   of no effect.

25       (2) If Bill [LC 1288] introduced in the 47th

LC 0225/01

1 legislature is passed and approved that portion of section 6  
2 or such other section of this act that amends section  
3 37-11-309(2) is void and of no effect.

-End-

Approved by Committee  
on Business and Industry

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PHYSICAL  
7 THERAPY LICENSING LAW BY PROVIDING FOR COMPENSATION FOR  
8 BOARD MEMBERS; TO CLARIFY THE QUALIFICATIONS OF AN  
9 APPLICANT; TO DETAIL THE APPLICATION REQUIREMENTS; TO  
10 PROVIDE FOR RULEMAKING AUTHORITY REGARDING APPLICANTS  
11 LICENSED IN OTHER STATES; TO ALLOW A LAPSED LICENSE TO BE  
12 REINSTATED BY PAYMENT OF UNPAID RENEWAL FEES OR A LATE  
13 RENEWAL FEE, OR BOTH; AND TO PROVIDE GUIDELINES AND  
14 RULEMAKING AUTHORITY FOR ISSUANCE OF A TEMPORARY LICENSE;  
15 AMENDING SECTIONS 37-11-203, 37-11-303, 37-11-304, AND  
16 37-11-307 THROUGH 37-11-309, MCA."

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23        actually engaged in the duties of his office.

24        (2) Each board member is entitled to receive \$25 a day  
25 compensation for each day in actual attendance at a meeting

1 of the board.

2 (2)(3) All fees collected by the department shall be

3 deposited in the earmarked revenue account for the use of

4 the board, subject to 37-1-101(6). The department shall keep

5 an accurate account of funds received and expenditures made

6 from the account.

7 (3)--The board--of--medical--examiners--shall--transfer

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HB701

LC 0225/01

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-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 701

3 Senate Public Health, Welfare and Safety Committee

4

5 A statement of intent is required for this bill because  
6 rulemaking authority for the issuance of a temporary license  
7 is given in Section 6. The Board may adopt necessary and  
8 reasonable rules to govern the procedure for the application  
9 for and the issuance of a temporary license. The license  
10 shall be issued for a period not to exceed 1 year as  
11 provided in Section ~~6~~ 2(1) or until the board makes a  
12 final determination on the applicant's examination scores as  
13 provided in Section ~~6~~ 2(2).

14 First adopted by the Senate Public Health, Welfare and  
15 Safety Committee on the 25th day of March 1981.

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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PHYSICAL  
7 THERAPY LICENSING LAW BY PROVIDING--FOR-COMPENSATION-FOR  
8 BOARD-MEMBERS--TO-CLARIFY CLARIFYING THE QUALIFICATIONS OF  
9 AN APPLICANT; TO--DETAIL--THE-APPLICATION-REQUIREMENTS; TO  
10 PROVIDE--FOR--RULEMAKING--AUTHORITY--REGARDING---APPLICANTS  
11 FEES--IN--OTHER--STATES--TO--ALLOW-A-LAPSE--LICENSE--TO--BE  
12 REINSTATED--BY--PAYMENT--OF--UNPAID--RENEWAL--FEES--OR--A--LATE  
13 RENEWAL--FEE--OR--BOTH; AND TO PROVIDE GUIDELINES AND  
14 RULEMAKING AUTHORITY FOR ISSUANCE OF A TEMPORARY LICENSE;  
15 AMENDING SECTIONS 37-11-203, 37-11-303--37-11-304--AND  
16 37-11-307--THROUGH AND 37-11-309, MCA."

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

19           Section-i---Section-37-11-203---MEA---is-amended-to-read-

20           "37-11-203---Travel-expense---deposit--of--fees---{1}

21    Each-board-member-shall-be-reimbursed-for-travel-expenses-as

22    provided--for--in--2-18-501--through--2-18-503--for-each-day

23    actually-engaged-in-the-duties-of-his-office.

24           {1}--Each-board-member-is-entitled-to-receive-\$25-a-day

25    compensation-for-each-day-in-actual-attendance-at-a--meeting

of-the-board

f27f31 All--fees--collected-by-the-department-shall-be  
deposited-in-the-earmarked-revenue-account-for--the--use--of  
the-board, subject-to-37-1-104(6)--The-department-shall-keep  
an--accurate-account-of-funds-received-and-expenditures-made  
from-the-accounts

f31--The-board--of--medical--examiners--shall--transfer  
funds--in--the--earmarked--revenue--account--collected-after  
January-1-1979--which-were-derived-from-the-examination-and  
licensure-or-re licensure--of--physical--therapists--in--this  
state--to--the-earmarked-account-designated-as-the--"physical  
therapist-account"--\*

Section 1. Section 37-11-303, MCA, is amended to read:  
"37-11-303. Qualifications of applicants for license.  
To be eligible for a license as a physical therapist, an  
applicant must:  
(1) be of good moral character and at least 18 years  
of age;  
(2) have graduated from an accredited school of  
physical therapy approved by the board;  
(3) either:  
(a) pass to the satisfaction of the board an a written  
examination prescribed by the board and, if considered  
necessary, an oral interview to determine his the fitness  
for of the applicant to practice as a physical therapist; or

1 (b) be entitled to a license without examination under  
2 37-11-307."

3 Section 3-3-304--is-amended-to-read-

4 #37-11-304--Application-for-examination----fees----(1)

5 Unless--entitled--to-a-license--under-37-11-307--a-person--who

6 desires--to-be-licensed--as-a-physical-therapist--shall--apply

7 to--the--department--in--writing--on--a an application form

8 furnished--by--the--department--He--shall--embody--in--that

9 application--evidence--under-oath--satisfactory--to--the--board

10 of--his--possessing--the--qualifications--preliminary--to

11 examination--required--by-37-11-303--

12 (2)--He--shall--pay--to--the--department--at--the--time--of

13 fitting--his--application--a--fee--as--established--by--the--board--by

14 rules--Said--fee--shall--be--commensurate--with--the--cost--of--the

15 examination--and--its--administration--and--shall--be--deposited--in

16 the--earmarked--revenue--fund--for--the--use--of--the--board--subject

17 to-37-1-101(6). Applicants--for--examination--shall--file--with

18 the--department--the--application--which--shall--include--when

19 required--by--board--rules

20 (3)--an--application--fee--as--established--by--the--board--by

21 rules--the--application--fee--shall--include--the--original

22 licensure--fee--the--fee--shall--be--commensurate--with--the--cost

23 of--the--examination--and--its--administration

24 (4)--three--affidavits--of--good--moral--character

25 (5)--a--recent--photograph--of--the--applicant

1 f17--verification--of--physical-therapy-instruction-and  
2 graduation-from-a-board-approved-physical-therapy-schools  
3 f17--All-applications-for--examination--must--be--filled  
4 with--the--department--45--days--prior--to--the--scheduled  
5 examination-date

6 f17--The-board-may-adopt-necessary-and-reasonable-rules  
7 governing-the-application-procedures

8 f17f17 Anyone-failing-to-pass-the-required-examination  
9 is-entitled-to-a-second-examination-within-6-months. The-fee  
0 for-a-subsequent-examination-shall-be-commensurate-with--the  
1 cost--of--the--examination--and--the--administration--of--the  
2 examination."

Section-4--Section-37-11-307--MEA, is-amended-to-read+

"37-11-307--Applicants-licensed-in-other-states---The  
board--may--in--its-discretion--authorize-the-department-to  
license-as-a-physical-therapist--without-examination--on-the  
payment--of--the--required--fee,--not--to--exceed--\$100,--as  
established--by-the-board,--an-applicant-for-license-who-is-a  
physical-therapist-licensed-under-the-laws-of-another--state  
or--territory-if-the-requirements-for-a-license-for-physical  
therapists-in-the-state-or-territory-in-which-the--applicant  
was--licensed--were-at-the-date-of-his-license-substantially  
equal-to-the-requirements-in-force-in-this--state--However,  
the--board--may--require--a--written--oral--or--practical  
examination. The-board-shall-adopt-necessary-and--reasonable

1       rates--governing--application--procedures--for--applicants  
 2       licensed-in-other-states?"

3       Section 5v--Section 37-11-308, MCA, is amended to read:  
 4       "37-11-308--Annual--renewal--of--license-----fee----A  
 5       licensed--physical-therapist-shall--during-January--apply--to  
 6       the--department--for--a--renewal--of--his--license--and--pay--a--fee  
 7       not--to--exceed--\$50--which--shall--be--set--by--board--rules--A  
 8       license--that--is--not--renewed--before--April--every--year  
 9       automatically--lapses--The--board--may--in--its--discretion  
 10      revise--and--renew--a--lapsed--license--on--the--payment--of--all--past  
 11      unpaid--renewal--fees--or--a--late--renewal--fee--or--both--"

12      Section 2. Section 37-11-309, MCA, is amended to read:  
 13      "37-11-309. Temporary license. (1) On payment to the  
 14       department of a fee not to exceed \$100 which shall be set by  
 15       board rule and the submission of a written application on  
 16       forms provided by it, the department shall issue, without  
 17       examination, a temporary license to practice physical  
 18       therapy in this state for a period not to exceed 1 year to a  
 19       person who meets the qualifications set forth in 37-11-303,  
 20       on submission by the person of evidence satisfactory to the  
 21       board that he is in this state on a temporary basis to  
 22       assist in a case of medical emergency or to engage in a  
 23       special physical therapy project.

24      (2) On-the-submission The board may, upon receipt of a  
 25       written an application on--forms--provided--by--it--the

1       department--shall for examination and upon receipt of a  
 2       temporary license fee not to exceed \$100, issue a temporary  
 3       license to a person who has applied for a license under this  
 4       chapter and who is, in the judgment of the board, eligible  
 5       to take the examination provided for in 37-11-303. This  
 6       applicant must work under the direction, guidance, and  
 7       observation of a licensed physical therapist. This temporary  
 8       license is available to an applicant only with respect to  
 9       his first application for a license under 37-11-307, or to  
 10       a foreign-trained-physical-therapist, and the The temporary  
 11       license expires shall expire when the board makes a final  
 12       determination with respect to the application on the  
 13       applicant's examination scores.

14       (3) The board may require an oral interview of all  
 15       persons applying for a temporary license.

16       (4) The board shall adopt necessary and reasonable  
 17       rules governing the procedures for applying and issuing  
 18       temporary licenses."

19      Section 7--Coordinating---instructions----ff----If  
 20      --B1t----{t6--t298}--introduced-in-the-47th-legistature-is  
 21      passed-and-approved--that--portion--of--section--t--or--such  
 22      other--section--of--this--act--that--adds--a--new--subsection--f2--to  
 23      37-11-203--relating--to--the--compensation--of--board--members--is  
 24      void--and--of--no--effect--

25       t2--If----B1t----{t6--t298}--introduced-in-the-47th

1 legislature-is-passed-and-approved-that-portion-of-section-6  
2 or-such-other--section--of--this--act--that--amends--section  
3 37-11-309{2}-is-void-and-of-no-effect

-End-

March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Public Health, Welfare & Safety)

That House Bill No. 701 be amended as follows:

1. Title, lines 7 and 8

Following: "by"

Strike: "PROVIDING FOR COMPENSATION FOR BOARD MEMBERS; TO CLARIFY"

Insert: "CLARIFYING"

2. Title, lines 9 through line 13.

Following: "APPLICANT;" on line 9

Strike: Lines 9, 10, 11, and 12 through "BOTH;" on line 13.

3. Title, lines 15 and 16

Following: "SECTIONS"

Strike: "37-11-203,"

Following: "37-11-303"

Strike: "37-11-304, AND 37-11-307 THROUGH"

Insert: "AND"

4. Page 1, line 19 through page 2, line 62.

Strike: Section 1 in its entirety

Renumber: subsequent sections

5. Page 3, line 3 through Page 5, line 11.

Strike: Section 3, 4, and 5 in their entirety

Renumber: subsequent sections

6. Page 6, line 19 through Page 7 line 3.

Strike: Section 7 in its entirety

March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Public Health, Welfare & Safety)

That the Statement of Intent to House Bill No. 701 be amended as follows:

A statement of intent is required for this bill because rule making authority for the issuance of a temporary license is given in Section 6. The Board may adopt necessary and reasonable rules to govern the procedure for the application for and the issuance of a temporary license. The license shall be issued for a period not to exceed 1 year as provided in Section (6) (1) or until the board makes a final determination on the applicant's examination scores as provided in Section (6) (2).

First adopted by the Senate Public Health, Welfare, and Safety Committee on the 25th day of March 1981.

State of Montana  
Office of the Governor  
Helena 59620

TED SCHWINDEN  
GOVERNOR

April 20, 1981

The Honorable Jean A. Turnage  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Robert L. Marks  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

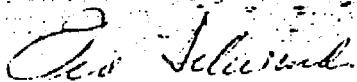
In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 702, "AN ACT TO LIMIT THE MAXIMUM FEE THAT THE DEPARTMENT OF ADMINISTRATION CAN CHARGE FOR RECEIVING AND PROCESSING ELEVATOR AND ESCALATOR CONDITION REPORTS; AMENDING SECTION 50-60-701, MCA," without my signature and recommend the attached amendments for the following reasons.

The language in House Bill No. 702 on page 2, does not adequately represent the intent of the legislature. It appears that the legislature intended to excuse the Department of Administration from a follow-up inspection of an elevator or escalator if the certified maintenance or insurance company inspector doing the inspection certifies to the department that all deficient conditions noted in the condition report have been corrected.

I am proposing amendments to clarify this legislative intent.

I urge your concurrence in these amendments.

Sincerely,



TED SCHWINDEN  
Governor

April 20, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 702;  
REFERENCE COPY, AS FOLLOWS:

1. Page 2, Line 10  
Following: "inspection"  
Insert: ","
2. Page 2, Line 14  
Following: "CORRECTED"  
Insert: ","
3. Page 2, Line 15  
Following: Line 14  
Delete: "AND"  
Insert: "than"