

HOUSE BILL NO. 701

INTRODUCED BY WINSLOW, BENGTSON, 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; Noes, 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.

1 HOUSE BILL NO. 701  
 2 INTRODUCED BY Wesley Bengtson Hoge  
 3 BY REQUEST OF THE DEPARTMENT OF PROFESSIONAL AND  
 4 OCCUPATIONAL LICENSING

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."

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 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~~  
 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 on 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 ~~filing 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 37-1-101(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 ~~(3)(5)~~ 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 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  
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5 to take the examination provided for in 37-11-303. This  
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12 determination ~~with respect to the application on the~~  
13 applicant's examination scores.

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15 persons applying for a temporary license.

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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

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-End-

1                   STATEMENT OF INTENT

2                   HOUSE BILL 701

3           Senate Public Health, Welfare and Safety Committee

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A statement of intent is required for this bill because rulemaking 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)~~ 2(1) or until the board makes a final determination on the applicant's examination scores as provided in Section ~~(6)~~ 2(2).

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

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INTRODUCED BY WINSLOW, BENGTSON, HAGER

BY REQUEST OF THE DEPARTMENT OF PROFESSIONAL AND

OCCUPATIONAL LICENSING

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

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

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

"37-11-203. Travel expense --- deposit of fees --- (1) Each board member shall be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503 for each day actually engaged in the duties of his office.

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

~~of the board.~~

(2)(3) All fees collected by the department shall be deposited in the earmarked revenue account for the use of the board, subject to 37-1-101(6). The department shall keep an accurate account of funds received and expenditures made from the accounts.

(3) 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 relicensure 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 37-11-304, MCA, 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 filing 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 37-1-101(6). Applicants for examination shall file with  
18 the department the application which shall include when  
19 required by board rules

20 (a) an application fee as established by the board by  
21 rule. The application fee shall include the original  
22 license 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 ~~(3)(5) 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 47-11-307, 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. --- fees. --- 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 ~~revoke 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. (1) If~~  
20 ~~---811---[LC--1298] introduced in the 47th legislature is~~  
21 ~~passed and approved, that portion of section 17 or such~~  
22 ~~other section of this act that adds a new subsection (2) to~~  
23 ~~37-11-203 relating to the compensation of board members, is~~  
24 ~~void and of no effect.~~

25 (2) ~~If ---811---[LC--1288] introduced in the 47th~~

HB 0701/02

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: Sections 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

RECEIVED  
LEGISLATION  
APR 20 4 46 PM '81

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"