SENATE BILL NO. 310

INTRODUCED BY 5. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

January 28, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
Pebruary 5, 1981	Committee recommend bill do pass as amended. Report adopted.
February 6, 1981	Bill printed and placed on members' desks.
February 7, 1981	Second reading, do pass.
February 9, 1981	Correctly engrossed.
February 10, 1981	Third reading, passed. Ayes, 45; Noes, 0. Transmitted to House.

IN THE HOUSE

Pebruary 11, 1981	Introduced and referred to Committee on Human Services.		
March 16, 1981	Committee recommend bill be concurred in. Report adopted.		
March 21, 1981	Second reading, concurred in.		
March 24, 1981	Third reading, concurred in. Ayes, 99; Noes, 0.		

IN THE SENATE

March 25, 1981 Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.

professional

2-15-1626;

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1	Sent BILL NO. 310
2	INTRODUCED BY TIEVE GROWN Think
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
6	BOARD OF MEDICAL EXAMINERS UNDER EXISTING STATUTORY
7	AUTHORITY AND RULES; ADDING PUBLIC MEMBERS TO THE BOARD;
8	CHANGING BOARD MEMBERS TERMS FROM 7 TO 4 YEARS; MODIFYING
9	REPORTING REQUIREMENTS FOR MEDICAL MALPRACTICE CLAIMS BY
10	INSURERS; AMENDING SECTIONS 2-8-103, 2-15-1605, AND
11	37-3-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.
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13	MHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
14	MCA, terminates the Board of Medical Examiners and requires
15	a performance evaluation of the Board by the Legislative
16	Audit Committee; and
17	WHEREAS, as a result of the performance evaluation, the
13	Legislative Audit Committee recommends that the Board of
19	Medical Examiners be reestablished under existing statutory
2¢	authority.
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22	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
23	Section 1. Reestablishment. The Montana state board of
24	medical examiners is reestablished for 6 years pursuant to

2-8-122 with its existing statutory authority and rules.

1	Section 2. Section 2-8-103, MCA, is amended to read
2	*2-8-103. Agencies to terminate. (1) The following
3	agencies shall terminate on July 1, 1979:
4	(a) board of abstracters, department of professiona
5	and occupational licensing, created by 2-15-1643;
6	(b) board of real estate, department of professional
7	and occupational licensing, created by 2-15-1642;
8	(c) state board of warm air heating, ventilation, an
9	air conditioning, department of professional an
10	occupational licensing, created by 2-15-1656;
11	(d) board of institutions, department of institutions
12	created by 2-15-2303•
13	(2) The following agencies shall terminate on July 1
14	1981:
15	(a) commission for human rights, department of labo
16	and industry, created by 2-15-1706;
17	(b) board of athletics, department of professional an
18	occupational licensing, created by 2-15-1661;
19	(c) board of barbers, department of professional an
20	occupational licensing, created by 2-15-1625;
21	(d) board of chiropractors, department of professional
22	and occupational licensing, created by 2-15-1613;
23	(e) board of cosmetologists, department o

occupational licensing, created by

(f) board of dentists, department of professional and occupational licensing, created by 2-15-1606;

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- (g) board of hearing aid dispensers, department of professional and occupational licensing, created by 2-15-1616;
- (h) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627;
- 9 (i)--Hontona---state---board---of---medical---examinersy

 10 department--of---professional---and--occupational---licensingy

 11 created-by-2-15-1685;
- 12 tjtil board of morticians, department of professional
 13 and occupational licensing, created by 2-15-1619;
- 14 (k)(i) board of nursing, department of professional
 15 and occupational licensing, created by 2-15-1610;
- 16 (+)(k) board of nursing home administrators,
 17 department of professional and occupational licensing,
 18 created by 2-15-1611;
- 19 (m)(11 board of optometrists, department of 20 professional and occupational licensing, created by 21 2-15-1612:
- 22 (n†im) board of osteopathic physicians, department of 23 professional and occupational licensing, created by 24 2-15-1607;
- 25 totin) board of pharmacists, department of

- 1 professional and occupational licensing, created by
- 2 2-15-1609;
- 3 (p)in) board of podiatry examiners, department of
- 4 professional and occupational licensing, created by
- 5 2-15-1608;
- 6 tqt(p) board of psychologists, department o
- 7 professional and occupational licensing, created by
- 8 2-15-1617;
- 9 {#}[q] board of radiologic technologists, department
- 10 of professional and occupational licensing, created by
- 11 2~15-1614;
- 12 talic board of speech pathologists and audiologists.
- 13 department of professional and occupational licensing.
- 14 created by 2-15-1615;
- 15 (t)(s) board of veterinarians, department of
- 16 professional and occupational licensing, created by
- 17 2-15-1618;
- 18 (u)(t) board of veterans affairs, department of
- 19 social and rehabilitation services, created by 2-15-2202;
- 20 (v)(u) board of sanitarians, department of
- 21 professional and occupational licensing, created by
- 22 2-15-1631.
- 23 (3) The following units of state government shall
- 24 terminate on July 1, 1983:
- 25 (a) board of aeronautics, department of community

- 1 affairs, created by 2-15-1103;
- 2 (b) state board of hail insurance, department of
- 3 agriculture, created by 2-15-3003;
- 4 (c) board of horse racing, department of professional
- and occupational licensing, created by 2-15-1662;
- 6 (d) board of livestock, department of livestock,
- 7 created by 2-15-3102;
- 8 (e) board of milk control, department of business
- 9 regulation, created by 2-15-1802;
- 10 (f) board of oil and gas conservation, department of
- 11 natural resources and conservation, created by 2-15-3303;
- 12 (g) Montana outfitters council, department of fish,
- wildlife, and parks, created by 2-15-3493;
- 14 (h) public service commission, department of public
- 15 service regulation, created by 69-1-102;
- (i) board of water and wastewater operators,
- 17 department of health and environmental sciences, created by
- 18 2-15-2105;
- (j) board of water well contractors, department of
- 20 professional and occupational licensing, created by
- 21 2-15-1632.
- 22 (4) The following agencies terminate on July 1, 1985:
- 23 (a) the board of public accountants, created by
- 24 2~15~1641;
- 25 (b) the board of architects, created by 2-15-1651;

- 1 (c) state banking board, department of business
- 2 regulation, created by 2-15-1803;
 - (d) the state electrical board, created by 2-15-1654;
- 4 (e) the board of professional engineers and land
- surveyors, created by 2-15-1653;
- 6 (f) office of commissioner of Insurance and the
- 7 insurance department, state auditor's office, created by
- 8 2-15-1902 and 2-15-1903;
- 9 (q) office of the securities commissioner, state
- 10 auditor's office, created by 2-15-1901;
- 11 (h) the board of landscape architects, created by
- 12 2-15-1652;
- 13 (i) the board of county printing, created by
- 14 2-15-1102:

- (i) the board of plumbers, created by 2-15-1655;
- (k) board of physical therapy examiners, created by
- 17 2-15-1628-
- 18 (51 The following agency terminates on July 1: 1987:
- 19 the Montana state board of medical examiners, department of
- 20 professional and occupational licensing, created by
- 21 2=15=1605."
- 22 Section 3. Section 2-15-1605, MCA: is amended to read:
- 23 **2-15-1605. Board of medical examiners. (1) There is a
- 24 Montana state board of medical examiners.
- 25 (2) The board consists of seven eight members

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appointed by the governor with the consent of the senate.

Appointments made when the legislature is not in session may be confirmed at the next session.

(3) The members are:

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- (a) six five members having the degree of doctor of medicine: and
- (b) one member having the degree of doctor of osteopathyw: and
- (c) two members of the general public who are not wedical practitioners.
- (4) The members having the degree of doctor of medicine may not be from the same county. Each member shall be a citizen of the United States. Each member. except for public members. shall have been licensed and shall have practiced medicine in this state for at least 5 years and shall have been a resident of this state for at least 5 years. Syears-howevery-the-5-year-requirement-of-practice-and residency-shall-be-weived-for-the-initial-term-of appointment-of-the-member-having-the-degree-and-license-of doctor-of-osteopathy.
- (5) Ench-member <u>Members</u> shall serve for-a-term-of--7 years staggered 4-year terms. A term commences on September 1 of each year of appointment. A member may, upon notice and hearing, be removed by the governor for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

2 administrative purposes only as prescribed in 2-15-121." 3 Section 4. Section 37-3-402. MCA. is amended to read: #37-3-402. Insurer to report to board. Any insurer 5 that issues or underwrites professional liability insurance in this state to any physician licensed to practice medicine 7 shall report any <u>valid</u> claim against the insured for alleged 8 professional negligence to the state poard of medical 9 examiners within 30 days after receiving-notice-of-the-claim 10 from-the-insured-or-any-other-person a final settlement or 11 court decision resolving the claim in favor of the claimant. 12 The report required by this section shall include the name 13 of the insured, the name of the person making the claim, and 14 the reason or reasons for which the claim is made. and the

(6) The board is allocated to the department for

-End-

Section 5. Effective date. This act is effective on

basis of the settlement or court decision."

passage and approval.

\$8 0310/02

47th Legislature

SB 0310/02

Approved by Comm. on Public Health, Safety and Welfare

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14	MCA, terminates the board of Medical Examiners and require			
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SB 310

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-End-

-8-

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Section 5. Effective date. This act is effective on

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- 25 (b) the board of architects: created by 2-15-1651;

- 1 (c) state banking board, department of business 2 regulation, created by 2-15-1803;
- 3 (d) the state electrical board, created by 2-15-1654;
- 4 (e) the board of professional engineers and land
- 5 surveyors, created by 2-15-1653;
- 6 (f) office of commissioner of insurance and the
- 7 insurance department, state auditor's office, created by
- 8 2-15-1902 and 2-15-1903;
- 9 (g) office of the securities commissioner, state
- 10 auditor's office, created by 2-15-1901;
- 11 (h) the board of landscape architects, created by
- 12 2-15-1652;
- 13 (i) the board of county printing, created by
- 14 2-15-1102;
- 15 (i) the board of plumbers, created by 2-15-1655;
- 16 (k) board of physical therapy examiners, created by
- 17 2-15-1628.
- 18 (5) The following agency terminates on July 1, 1987:
- 19 the Montana state board of medical examiners; department of
- 20 professional and occupational licensing, created by
- 21 2-15-1605.**
- 22 Section 3. Section 2-15-1605. MCA. is amended to read:
- 23 *2-15-1605. Board of medical examiners. (1) There is a
- 24 Montana state board of medical examiners.
- 25 (2) The board consists of seven eight members

- appointed by the governor with the consent of the senate.

 Appointments made when the legislature is not in session may
 be confirmed at the next session.
 - (3) The members are:

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- 5 (a) six <u>five</u> members having the degree of doctor of 6 medicine; and
- 7 (b) one member having the degree of doctor of 8 osteopathymiand
 - (c) two members of the general public who are not medical practitioners.
 - (4) The members having the degree of doctor of medicine may not be from the same county. Each member shall be a citizen of the United States. Each member except for public members, shall have been licensed and shall have practiced medicine in this state for at least 5 years and shall have been a resident of this state for at least 5 years—howevery—the—5-year—requirement—of—practice—and residency—shall—be—waived—for—the—initial——term—of appointment—of—the—member—having—the—degree—and—license—of doctor—of-osteopothy.
 - years staggered 4-year terms. A term commences on September 1 of each year of appointment. A member may, upon notice and hearing, be removed by the governor for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

- 1 (6) The board is allocated to the department for 2 administrative purposes only as prescribed in 2-15-121.**
- 3 Section 4. Section 37-3-402, MCA, is amended to read: #37-3-402. Insurer to report to board. Any insurer 5 that issues or underwrites professional liability insurance in this state to any physician licensed to practice medicine 7 shall report any <u>waitd</u> claim against the insured for alleged professional negligence to the state board of medical examiners within 30 days after receiving-notice-of-the-claim 10 from the insured-or-eny-other-person RECEIVING NOTICE OF THE 11 CLAIN FROM THE INSURED OR ANY OTHER PERSON. . A final 12 settlement or court decision resolving the claim in favor of 13 the claimant SHALL ALSO BE REPORTED TO THE BOARD MITHIN 30 14 DAYS OF SUCH SETTLEMENT OR DECISION. The report required by 15 this section shall include the name of the insured, the name 16 of the person making the claim, and the reason or reasons 17 for which the claim is made, and the basis of the settlement 18 or court decision."
- Section 5. Effective date. This act is effective on passage and approval.

-End-

1	SENATE BILL NO. 310
2	INTRODUCED BY S. BROWN. HIMSL
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
6	BOARD OF MEDICAL EXAMINERS UNDER EXISTING STATUTORY
7	AUTHORITY AND RULES; ADDING PUBLIC MEMBERS TO THE BOARD;
В	CHANGING BOARD MEMBERS' TERMS FROM 7 TO 4 YEARS; MUDIFYING
9	REPORTING REQUIREMENTS FOR MEDICAL MALPRACTICE CLAIMS BY
10	INSURERS; AMENDING SECTIONS 2-8-103+ 2-15-1605+ AND
11	37-3-402. HCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.
12	
13	WHEREAS+ the sunset law+ sections 2-8-103 and 2-8-112+
14	MCA, terminates the Board of Medical Examiners and requires
15	a performance evaluation of the Board by the tegislative
16	Audit Committee; and
17	WHEREAS, as a result of the performance evaluation, the
18	Legislative Audit Committee recommends that the Board of
19	Hedical Examiners be reestablished under existing statutory
20	authority.
21	
22	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
23	Section 1. Reestablishment. The Montana state board of
24	medical examiners is reestablished for 6 years pursuant to
25	2-8-122 with its existing statutory authority and rules.

ŧ	Section 2. Section 2-8-103, MCA, is amended to read
2	#2-8-103. Agencies to terminate. [1] The following
3	agencies shall terminate on July 1, 1979:
4	(a) board of abstracters, department of professiona
5	and occupational licensing, created by 2-15-1643;
5	(b) board of real estate, department of professiona
7	and occupational licensing, created by 2-15-1642;
В	(c) state board of warm air heating, ventilation, an
•	air conditioning, department of professional an
0	occupational licensing, created by 2-15-1656;
l	{d} board of institutions, department of institutions
2	created by 2-15-2303.
3	(2) The following agencies shall terminate on July 1
4	1981:
5	(a) commission for human rights, department of labo
5	and industry+ created by 2-15-1706;
7	(b) board of athletics, department of professional an
3	occupational licensing, created by 2-15-1661;
9	(c) board of barbers, department of professional an
)	occupational licensing, created by 2-15-1625;
ι	(d) board of chiropractors, department of professiona
2	and occupational licensing, created by 2-15-1613;
3	(e) board of cosmetologists, department o
	professional and occupational licensing created b

2-15-1626;

1	(f) board of dentists, department of professional and
2	occupational licensing, created by 2-15-1606;
3	(g) board of hearing aid dispensers, department of
4	professional and occupational licensing, created by
5	2-15-1616;
6	(h) board of massage therapists, department of
7	professional and occupational licensing, created by
8	2-15-1627;
9	fi)Montanastateboardofmedicalexaminers
10	departmentofprofessionalandoccupationallicensing
11	created-by-2-15-1605;
12	<pre>fjf(i) board of morticians, department of professional</pre>
13	and occupational licensing, created by 2-15-1619;
14	<pre>tk)(j) board of nursing, department of professional</pre>
15	and occupational licensing, created by 2-15-1610;
16	t+)(k) board of nursing home administrators
17	department of professional and occupational licensing
18	created by 2-15-1611;
19	<pre>fm)(!) board of optometrists, department of</pre>
20	professional and occupational licensing, created by
21	2-15-1612;
22	<pre>fn)[m] board of osteopathic physicians, department of</pre>
23	professional and occupational licensing created by
24	2-15-1607;

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professional
                         occupational licensing, created by
     2-15-1609;
          fpf(o) board of podiatry examiners, department of
     professional
                         occupational licensing, created by
     2-15-1608:
                             psychologists.
          tat(p) board
                                               department
     professional
                        occupational licensing, created by
     2-15-1617;
          tri(q) board of radiologic technologists, department
     of professional and occupational licensing, created by
10
11
     2-15-1614;
          tst(r) board of speech pathologists and audiologists.
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     department of professional and occupational licensing,
14
     created by 2-15-1615;
          tt)(s) board of veterinarians.
                                               department
15
     professional
                         occupational licensing, created by
                   and
     2-15-1618;
17
          (u)(t) board of veterans' affairs, department
18
19
     social and rehabilitation services, created by 2-15-2202;
20
                                sanitarians,
                                               department
          tvt(u) board
     professional and occupational licensing, created by
22
     2-15-1631-
23
          (3) The following units of state government shall
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(a) board of aeronautics, department of community

department

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terminate on July 1, 1983:

pharmacists.

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tetini board

- 1 affairs, created by 2-15-1103;
- 2 (b) state board of hail insurance, department of
 - agriculture. created by 2-15-3003;
- 4 (c) board of horse racing, department of professional
- 5 and occupational licensing, created by 2-15-1662;
- 6 (d) board of livestock, department of livestock,
- 7 created by 2-15-3102:

- 8 (e) board of milk control, department of business
- 9 regulation, created by 2-15-1802;
- (f) board of oil and gas conservation, department of
- 11 natural resources and conservation, created by 2-15-3303;
- 12 (g) Montana outfitters council, department of fish,
- 13 wildlife, and parks, created by 2-15-3403;
- (h) public service commission, department of public
- 15 service regulation, created by 69-1-102;
- 16 (i) board of water and wastewater operators,
- 17 department of health and environmental sciences, created by
- 18 2-15-2105:
- (i) board of water well contractors, department of
- 20 professional and occupational licensing, created by
- 21 2-15-1632.
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- 24 2-15-1641;
- 25 (b) the board of architects, created by 2-15-1651;

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-End-

Section 5. Effective date. This act is effective on

SB 310

19

passage and approval.