

Senate Bill 366

In The Senate

February 5, 1981	Introduced and referred to Committee on Public Health, Welfare and Safety. Fiscal note requested.
February 10, 1981	Fiscal note returned.
February 19, 1981	Committee recommend bill do not pass.

1 *Senate* BILL NO. 366
 2 INTRODUCED BY *Thompson*
 3 BY REQUEST OF THE DEPARTMENT
 4 OF PROFESSIONAL AND OCCUPATIONAL LICENSING

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
 7 BOARD OF PODIATRY EXAMINERS UNDER EXISTING STATUTORY
 8 AUTHORITY AND RULES; TO PROVIDE FOR ONE PUBLIC MEMBER TO
 9 REPLACE ONE PODIATRY MEMBER ON THE BOARD; TO GENERALLY
 10 REVISE AND CLARIFY THE PODIATRY LAW; AMENDING SECTIONS
 11 2-8-103, 2-15-1608, 37-6-101, 37-6-102, 37-6-301 THROUGH
 12 37-6-304, AND 37-6-312, MCA; AND PROVIDING AN IMMEDIATE
 13 EFFECTIVE DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Reestablishment. The board of podiatry
 17 examiners is reestablished for 6 years pursuant to 2-8-122
 18 with its existing statutory authority and rules.

19 Section 2. Section 2-8-103, MCA, is amended to read:
 20 "2-8-103. Agencies to terminate. (1) The following
 21 agencies shall terminate on July 1, 1979:

- 22 (a) board of abstracters, department of professional
 23 and occupational licensing, created by 2-15-1643;
- 24 (b) board of real estate, department of professional
 25 and occupational licensing, created by 2-15-1642;

1 (c) state board of warm air heating, ventilation, and
 2 air conditioning, department of professional and
 3 occupational licensing, created by 2-15-1656;

4 (d) board of institutions, department of institutions,
 5 created by 2-15-2303.

6 (2) The following agencies shall terminate on July 1,
 7 1981:

8 (a) commission for human rights, department of labor
 9 and industry, created by 2-15-1706;

10 (b) board of athletics, department of professional and
 11 occupational licensing, created by 2-15-1661;

12 (c) board of barbers, department of professional and
 13 occupational licensing, created by 2-15-1625;

14 (d) board of chiropractors, department of professional
 15 and occupational licensing, created by 2-15-1613;

16 (e) board of cosmetologists, department of
 17 professional and occupational licensing, created by
 18 2-15-1626;

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

21 (g) board of hearing aid dispensers, department of
 22 professional and occupational licensing, created by
 23 2-15-1616;

24 (h) board of massage therapists, department of
 25 professional and occupational licensing, created by

1 2-15-1627;

2 (i) Montana state board of medical examiners,
3 department of professional and occupational licensing,
4 created by 2-15-1605;

5 (j) board of morticians, department of professional
6 and occupational licensing, created by 2-15-1619;

7 (k) board of nursing, department of professional and
8 occupational licensing, created by 2-15-1610;

9 (l) board of nursing home administrators, department
10 of professional and occupational licensing, created by
11 2-15-1611;

12 (m) board of optometrists, department of professional
13 and occupational licensing, created by 2-15-1612;

14 (n) board of osteopathic physicians, department of
15 professional and occupational licensing, created by
16 2-15-1607;

17 (o) board of pharmacists, department of professional
18 and occupational licensing, created by 2-15-1609;

19 ~~(p) board of podiatry examiners, department of~~
20 ~~professional and occupational licensing, created by~~
21 ~~2-15-1608;~~

22 (q) board of psychologists, department of
23 professional and occupational licensing, created by
24 2-15-1617;

25 (r) board of radiologic technologists, department

1 of professional and occupational licensing, created by
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,
4 department of professional and occupational licensing,
5 created by 2-15-1615;

6 (t) board of veterinarians, department of
7 professional and occupational licensing, created by
8 2-15-1618;

9 (u) board of veterans' affairs, department of
10 social and rehabilitation services, created by 2-15-2202;

11 (v) board of sanitarians, department of
12 professional and occupational licensing, created by
13 2-15-1631.

14 (3) The following units of state government shall
15 terminate on July 1, 1983:

16 (a) board of aeronautics, department of community
17 affairs, created by 2-15-1103;

18 (b) state board of hail insurance, department of
19 agriculture, created by 2-15-3003;

20 (c) board of horse racing, department of professional
21 and occupational licensing, created by 2-15-1662;

22 (d) board of livestock, department of livestock,
23 created by 2-15-3102;

24 (e) board of milk control, department of business
25 regulation, created by 2-15-1802;

1 (f) board of oil and gas conservation, department of
2 natural resources and conservation, created by 2-15-3303;

3 (g) Montana outfitters council, department of fish,
4 wildlife, and parks, created by 2-15-3403;

5 (h) public service commission, department of public
6 service regulation, created by 69-1-102;

7 (i) board of water and wastewater operators,
8 department of health and environmental sciences, created by
9 2-15-2105;

10 (j) board of water well contractors, department of
11 professional and occupational licensing, created by
12 2-15-1632.

13 (4) The following agencies terminate on July 1, 1985:

14 (a) the board of public accountants, created by
15 2-15-1641;

16 (b) the board of architects, created by 2-15-1651;

17 (c) state banking board, department of business
18 regulation, created by 2-15-1803;

19 (d) the state electrical board, created by 2-15-1654;

20 (e) the board of professional engineers and land
21 surveyors, created by 2-15-1653;

22 (f) office of commissioner of insurance and the
23 insurance department, state auditor's office, created by
24 2-15-1902 and 2-15-1903;

25 (g) office of the securities commissioner, state

1 auditor's office, created by 2-15-1901;

2 (h) the board of landscape architects, created by
3 2-15-1652;

4 (i) the board of county printing, created by
5 2-15-1102;

6 (j) the board of plumbers, created by 2-15-1655;

7 (k) board of physical therapy examiners, created by
8 2-15-1628.

9 (5) The following agency terminates on July 1, 1987:
10 the board of podiatry examiners, department of professional
11 and occupational licensing, created by 2-15-1608."

12 Section 3. Section 2-15-1608, MCA, is amended to read:

13 "2-15-1608. Board of podiatry examiners. (1) There is
14 a board of podiatry examiners.

15 (2) The board consists of three members, ~~all of whom~~
16 ~~appointed by the governor to 3-year terms. Two~~ are licensed
17 podiatrists, ~~appointed by the governor to 3-year terms,~~
18 ~~selected from a list of six podiatrists submitted by the~~
19 ~~Montana association of podiatrists and one is a public~~
20 ~~member who is not a podiatrist.~~ The podiatrist members shall
21 be residents of this state who have engaged in the active
22 practice of podiatry in this state for at least 2 years and
23 are of high integrity and ability. The governor shall fill a
24 ~~any~~ vacancy on the board ~~from the same list of podiatrists.~~

25 (3) The board is allocated to the department for

1 administrative purposes only as prescribed in 2-15-121."

2 Section 4. Section 37-6-101, MCA, is amended to read:

3 "37-6-101. Definitions. Unless the context requires
4 otherwise, in this chapter the following definitions apply:

5 (1) "~~Chiropody~~--or--"~~podiatry~~" "Podiatry" means the
6 diagnosis, medical, surgical, mechanical, manipulative, and
7 electrical treatment of ailments of the human foot.

8 (2) "Podiatrist" means one practicing podiatry.

9 (3) "Board" means the board of podiatry examiners
10 provided for in 2-15-1608.

11 (4) "Department" means the department of professional
12 and occupational licensing provided for in Title 2, chapter
13 15, part 16."

14 Section 5. Section 37-6-102, MCA, is amended to read:

15 "37-6-102. ~~Limitation~~ Additional designations --
16 administration of drugs -- limitation on practice. (1) A
17 licensed podiatrist may administer and prescribe drugs in
18 accordance with 37-2-101 as a "medical practitioner".

19 (2) A podiatrist may not amputate the human foot or
20 toe or administer an anesthetic other than local."

21 Section 6. Section 37-6-301, MCA, is amended to read:

22 "37-6-301. License required for practice -- use of
23 titles. It is unlawful for a person to profess to be a
24 podiatrist, to practice or assume the duties incident to
25 podiatry, or to advertise in any form or hold himself out to

1 the public as a ~~chiropodist~~ or podiatrist, or in a sign or
2 advertisement to use the word ~~chiropodist~~--or podiatrist,
3 foot correctionist, physician and surgeon of the foot, or
4 any other term, terms, or letters indicating to the public
5 that he is holding himself out as a podiatrist or foot
6 correctionist in any manner, without first obtaining from
7 the board a license authorizing the practice of podiatry in
8 this state, except under this chapter."

9 Section 7. Section 37-6-302, MCA, is amended to read:

10 "37-6-302. Qualifications for licensure -- exemptions
11 from examination. (1) Examinations shall be held at places
12 and times the board directs. Persons who wish to begin the
13 practice of podiatry in this state shall make application,
14 on a form authorized by the state board of podiatry
15 examiners and furnished by the department, for a license to
16 practice podiatry. The license may be granted to applicants
17 after they have furnished satisfactory proof of good moral
18 character, of having attained high school graduation or its
19 equivalent, of having at least 4 years or equivalent time in
20 quarter or semester hours of instruction in an accredited
21 college of podiatry recognized as being in good standing by
22 the board and have successfully passed the examination.

23 (2) A license without written examination may be
24 granted to podiatrists of other states maintaining equal
25 statutory requirements for the practice of podiatry and

1 extending the same reciprocal privilege to this state if
2 they have had a valid license and practiced for at least 2
3 preceding years in that state prior to filing for reciprocal
4 privilege and by payment of \$50 to the department.

5 (3) A license may be granted, at the discretion of the
6 board and upon payment of \$50 to the department, if the
7 applicant has successfully completed the national podiatry
8 board examination, is a diplomate of the national podiatry
9 boards, and after has had a personal interview by the
10 board."

11 Section 8. Section 37-6-303, MCA, is amended to read:

12 "37-6-303. Examination -- subjects -- fees --
13 reexamination. (1) A person not exempt from examination
14 under 37-6-302 and desiring a license to practice podiatry
15 shall be examined in the following subjects: anatomy,
16 chemistry, dermatology, diagnosis, materia medica,
17 pathology, physiology, therapeutics, clinical and orthopedic
18 podiatry, histology, bacteriology, pharmacy, neurology,
19 surgery (minor), podiatry, foot orthopedics, shoe therapy,
20 physiotherapy, roentgenology, hygiene and sanitation,
21 ethics, and culture, limited in their scope to the treatment
22 of the human foot, and, if qualified, shall receive a
23 license. ~~The minimum requirements for a license are a~~
24 ~~general average of 75% in all the subjects involved and not~~
25 ~~less than 50% in any one subject.~~

1 (2) An examination and license fee of \$35 shall be
2 paid to the department.

3 (3) An applicant failing the examination and being
4 refused a license is entitled within 6 months of the refusal
5 to a reexamination, but one reexamination exhausts his
6 privilege under the original examination."

7 Section 9. Section 37-6-304, MCA, is amended to read:

8 "37-6-304. Designations on license -- recording --
9 ~~annual~~ biennial renewal fee -- display. (1) A license issued
10 under this chapter shall be designated as a "registered
11 podiatrist's license" and may not contain any abbreviations
12 thereof or any other designation or title, except that a
13 statement of limitation shall be contained in the license
14 referring to the licensee as a "registered
15 podiatrist--practice limited to the foot" so as not to
16 mislead the public with respect to his right to treat other
17 portions of the body.

18 (2) Licenses shall be recorded by the department the
19 same as other medical licenses. ~~The person receiving the~~
20 ~~license shall have it recorded in the office of the county~~
21 ~~clerk in the county in which he resides, and the record~~
22 ~~shall be endorsed on it, if the person licensed moves to~~
23 ~~another county to practice, he shall record the license in~~
24 ~~the same manner in the county into which he moves, and the~~
25 ~~county clerk is entitled to charge and receive the usual fee~~

1 ~~for-making-this-record~~

2 (3) A biennial license renewal fee set by the board in
3 an amount ~~not-to-exceed--\$25~~ commensurate with board
4 operating costs shall be paid ~~annually~~ on July 1 of each
5 biennial renewal year, and if not paid within 3 months, the
6 license shall be revoked and may be reissued only on
7 original application and payment of a fee of \$35.

8 (4) Licenses shall be conspicuously displayed by
9 podiatrists at their offices or other places of practice."

10 Section 10. Section 37-6-312, MCA, is amended to read:

11 "37-6-312. Penalty. Any person who shall knowingly
12 violate any of the provisions of this chapter ~~and upon~~
13 ~~conviction thereof shall be fined the sum not exceeding~~
14 ~~\$1,000 or be imprisoned in the county jail not to exceed 2~~
15 ~~years or both is guilty of a misdemeanor and on conviction~~
16 is punishable by a fine of not less than \$250 or more than
17 \$1,000 or imprisonment in the county jail for not less than
18 90 days or more than 1 year, or both."

19 Section 11. Effective date. This act is effective on
20 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 310-81

FISCAL NOTE

Form BD-15

In compliance with a written request received Feb. 6, 19 81, there is hereby submitted a Fiscal Note for SB 366 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

"An act to reestablish the Board of Podiatry Examiners under existing statutory authority and rules; to provide for one public member to replace one podiatry member on the board; to generally revise and clarify the podiatry law; amending sections 2-8-103, 2-15-1608, 37-6-101, 37-6-102, 37-6-301 through 37-6-304, and 37-6-312, MCA; and providing an immediate effective date."

ASSUMPTIONS:

1. 34 licensed podiatrists with 3 new licensees each year.
2. Assume \$50 annual renewal fee or \$100 biennial renewal fee.
3. Assume 3 board members will meet twice a year
4. Assume \$500 for each year as an agency-trustee account (8300) to be used only for emergencies and in only certain conditions as provided by the Legislature.

INCOME AND EXPENDITURES:

	<u>FY 1982</u>	<u>FY 1983</u>
Income	\$ 1,700	\$ 1,700
Expenditures:		
Personal Services	\$ 446	\$ 446
Operating Expenses	515	565
Transfers	<u>602</u>	<u>595</u>
Total	\$ 1,563	\$ 1,606

The revenue involved is all from the earmarked revenue account.

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-10-81