

SENATE BILL NO. 392

INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
February 9, 1981	Fiscal note requested.
February 12, 1981	Fiscal note returned.
February 19, 1981	Committee recommend bill do pass as amended. Report adopted.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 47; Noes, 3. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on Business and Industry.
March 25, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, pass consideration.
March 30, 1981	On motion rules suspended. Bill allowed to be transmitted on the 71st legislative day. Motion adopted.

March 31, 1981

Second reading, concurred in.

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

Third reading, concurred in
as amended. Ayes, 91; Noes, 5.

IN THE SENATE

April 1, 1981

Returned from House with
amendments.

April 10, 1981

Second reading, amendments
not concurred in.

April 11, 1981

On motion Senate reconsider
its action taken on second
reading and order placed on
second reading. Motion adopted.

April 13, 1981

Second reading, amendments
concurred in.

April 14, 1981

Third reading, amendments
concurred in. Ayes, 34;
Noes, 15. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *392*
 2 INTRODUCED BY *STEVE BROWN*

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO TERMINATE THE BOARD
 6 OF PODIATRY EXAMINERS AND TRANSFER REGULATION OF PODIATRISTS
 7 TO THE BOARD OF MEDICAL EXAMINERS; ADDING A PODIATRIST TO
 8 THE BOARD OF MEDICAL EXAMINERS; REMOVING STATUTORY PASSING
 9 GRADE ON EXAMINATION; MODIFYING PENALTY PROVISIONS;
 10 PROVIDING FOR TRANSFER OF FUNDS AND RECORDS; CONTINUING
 11 EXISTING RULES; AMENDING SECTIONS 2-15-1605, 37-6-101,
 12 37-6-302, 37-6-303, AND 37-6-312, MCA; REPEALING SECTIONS
 13 2-15-1608 AND 37-6-201, MCA; AND PROVIDING AN EFFECTIVE
 14 DATE."

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 16 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 17 terminates the Board of Podiatry Examiners and requires a
 18 performance evaluation by the Legislative Audit Committee;
 19 and

20 WHEREAS, as a result of the performance evaluation, the
 21 Legislative Audit Committee recommends that the Board of
 22 Podiatry examiners be terminated, and that regulation of
 23 podiatrists be transferred to the Board of Medical
 24 Examiners.

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

2 Section 1. Section 2-15-1605, MCA, is amended to read:

3 "2-15-1605. Board of medical examiners. (1) There is a
 4 Montana state board of medical examiners.

5 (2) The board consists of ~~seven~~ eight members
 6 appointed by the governor with the consent of the senate.
 7 Appointments made when the legislature is not in session may
 8 be confirmed at the next session.

9 (3) The members are:

10 (a) six members having the degree of doctor of
 11 medicine; and

12 (b) one member having the degree of doctor of
 13 osteopathy; and

14 ~~(c) one member who is a licensed podiatrist.~~

15 (4) The members having the degree of doctor of
 16 medicine may not be from the same county. Each member shall
 17 be a citizen of the United States. Each member shall have
 18 been licensed and shall have practiced ~~medicine~~ in this
 19 state for at least 5 years and shall have been a resident of
 20 this state for at least 5 years; however, the 5-year
 21 requirement of practice and residency shall be waived for
 22 the initial term of appointment of the member having the
 23 degree and license of doctor of osteopathy.

24 (5) Each member shall serve for a term of 7 years. A
 25 term commences on September 1 of each year of appointment.

INTRODUCED BILL

SB 392

1 A member may, upon notice and hearing, be removed by the
2 governor for neglect of duty, incompetence, or
3 unprofessional or dishonorable conduct.

4 (5) The board is allocated to the department for
5 administrative purposes only as prescribed in 2-15-121."

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

7 "37-6-101. Definitions. Unless the context requires
8 otherwise, in this chapter the following definitions apply:

9 (1) "Chiropody" or "podiatry" means the diagnosis,
10 medical, surgical, mechanical, manipulative, and electrical
11 treatment of ailments of the human foot.

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

13 (3) "Board" means the board of podiatry ~~medical~~
14 examiners provided for in ~~2-15-1600~~ 2-15-1605.

15 (4) "Department" means the department of professional
16 and occupational licensing provided for in Title 2, chapter
17 15, part 16."

18 Section 3. Section 37-6-302, MCA, is amended to read:

19 "37-6-302. Qualifications for licensure -- exemptions
20 from examination. (1) Examinations shall be held at places
21 and times the board directs. Persons who wish to begin the
22 practice of podiatry in this state shall make application,
23 on a form authorized by the ~~state board of--podiatry~~
24 ~~examiners~~ and furnished by the department, for a license to
25 practice podiatry. The license may be granted to applicants

1 after they have furnished satisfactory proof of good moral
2 character, of having attained high school graduation or its
3 equivalent, of having at least 4 years or equivalent time in
4 quarter or semester hours of instruction in an accredited
5 college of podiatry recognized as being in good standing by
6 the board and have successfully passed the examination.

7 (2) A license without written examination may be
8 granted to podiatrists of other states maintaining equal
9 statutory requirements for the practice of podiatry and
10 extending the same reciprocal privilege to this state if
11 they have had a valid license and practiced for at least 2
12 preceding years in that state prior to filing for reciprocal
13 privilege and by payment of \$50 to the department.

14 (3) A license may be granted, at the discretion of the
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16 applicant has successfully completed the national podiatry
17 board examination and after a personal interview by the
18 board."

19 Section 4. Section 37-6-303, MCA, is amended to read:

20 "37-6-303. Examination -- subjects -- fees --
21 reexamination. (1) A person not exempt from examination
22 under 37-6-302 and desiring a license to practice podiatry
23 shall be examined in the following subjects: anatomy,
24 chemistry, dermatology, diagnosis, materia medica,
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 2 surgery (minor), podiatry, foot orthopedica, shoe therapy,
 3 physiotherapy, roentgenology, hygiene and sanitation,
 4 ethics, and culture, limited in their scope to the treatment
 5 of the human foot, and, if qualified, shall receive a
 6 license. ~~The minimum requirements for a license are a
 7 general average of 75% in all the subjects involved and not
 8 less than 50% in any one subject.~~

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

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

15 Section 5. Section 37-6-312, MCA, is amended to read:

16 "37-6-312. Penalty. Any person who shall knowingly
 17 violate any of the provisions of this chapter, ~~and upon
 18 conviction thereof shall be fined the sum not exceeding
 19 \$1,000 or be imprisoned in the county jail not to exceed 2
 20 years, or both is guilty of a misdemeanor and on conviction
 21 shall be fined not less than \$250 or more than \$1,000 or
 22 imprisoned in the county jail for not less than 90 days or
 23 more than 1 year, or both fine and imprisonment."~~

24 NEW SECTION. Section 6. Transfer of funds and
 25 records. By the effective date of this act, all funds and

1 records of the board of podiatry examiners shall be
 2 transferred to the board of medical examiners.

3 NEW SECTION. Section 7. Rules remain in effect.
 4 Existing rules of the board of podiatry examiners remain in
 5 effect unless amended or repealed by the board of medical
 6 examiners.

7 Section 8. Repealer. Sections 2-15-1608 and 37-6-201,
 8 MCA, are repealed.

9 Section 9. Effective date. This act is effective July
 10 1, 1981, and the provisions of 2-8-121 do not apply to the
 11 board of podiatry examiners.

-End-

STATE OF MONTANA

REQUEST NO. 328-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 392 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 terminate the Board of Podiatry Examiners and transfer regulation of podiatrists to the Board of Medical Examiners; adding a podiatrist to the Board of Medical Examiners; removing statutory passing grade on examination; modifying penalty provisions; providing for transfer of funds and records; continuing existing rules.

Assumptions

1. 34 licensed podiatrists.
2. Assume \$50 annual renewal fee or \$100 biennial renewal fee.
3. Assume licensing, renewal and minimum discipline problems transferred to the Board of Medical Examiners.
4. Assume an addition to proposed budget for Board of Medical Examiners to cover operating costs of licensing and regulation of podiatrists.
5. Assume additional work will be absorbed by present personnel of Board of Medical Examiners.

Fiscal Impact

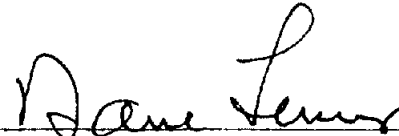
<u>Revenue</u>	<u>FY 1982</u>	<u>FY 1983</u>
License Fees	\$ 1,700	\$ 1,700

To be placed in Board of Medical Examiners ERA.

Expenditures

Board of Podiatry Examiners:		
Under Current Law*	\$ 1,563	\$ 1,606
Under Proposed Law	<u>0</u>	<u>0</u>
Net Decrease	\$ 1,563	\$ 1,606
Board of Medical Examiners:		
Under Current Law*	\$72,523	\$74,928
Under Proposed Law	<u>74,223</u>	<u>76,628</u>
Net Increase	\$ 1,700	\$ 1,700
Total Savings	\$ 137	\$ 94

*Executive Budget



 BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-12-81

Approved by the committee on
Public Health, Welfare & Safety

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18 performance evaluation by the Legislative Audit Committee;
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after they have furnished satisfactory proof of good moral character, of having attained high school graduation or its equivalent, of having at least 4 years or equivalent time in quarter or semester hours of instruction in an accredited college of podiatry recognized as being in good standing by the board and have successfully passed the examination.

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19 ~~been--licensed--and--shall--have--practiced--medicine--in--this~~20 ~~state--for--at--least--5--years--and--shall--have--been--a--resident--of~~
21 ~~this--state--for--at--least--5--years--however--the--5--year~~22 ~~requirement--of--practice--and--residency--shall--be--waived--for~~
23 ~~the--initial--term--of--appointment--of--the--member--having--the~~24 ~~degree--and--license--of--doctor--of--osteopathy;~~25 ~~(5)--Each--member--shall--serve--for--a--term--of--7--years--A~~

1 term commences on September 1 of each year of appointment.
 2 A member may, upon notice and hearing, be removed by the
 3 governor for neglect of duty, incompetence, or
 4 unprofessional or dishonorable conduct.

5 ~~(6) The board is allocated to the department for~~
 6 ~~administrative purposes only as prescribed in 2-15-121."~~

7 SECTION 1. SECTION 2-15-1605, MCA, IS AMENDED TO READ:

8 "2-15-1605. Board of medical examiners. (1) There is a
 9 Montana state board of medical examiners.

10 (2) The board consists of seven eight members
 11 appointed by the governor with the consent of the senate.
 12 Appointments made when the legislature is not in session may
 13 be confirmed at the next session.

14 (3) The members are:

15 (a) six members having the degree of doctor of
 16 medicine; and

17 (b) one member having the degree of doctor of
 18 osteopathy; and

19 (c) one member who is a licensed podiatrist.

20 (4) The members having the degree of doctor of
 21 medicine may not be from the same county. Each member shall
 22 be a citizen of the United States. Each member shall have
 23 been licensed and shall have practiced medicine in this
 24 state for at least 5 years and shall have been a resident of
 25 this state for at least 5 years; however, the 5-year

1 requirement of practice and residency shall be waived for
 2 the initial term of appointment of the member having the
 3 degree and license of doctor of osteopathy.

4 (5) Each member shall serve for a term of 7 years. A
 5 term commences on September 1 of each year of appointment.
 6 A member may, upon notice and hearing, be removed by the
 7 governor for neglect of duty, incompetence, or
 8 unprofessional or dishonorable conduct.

9 (6) The board is allocated to the department for
 10 administrative purposes only as prescribed in 2-15-121."

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

12 "37-6-101. Definitions. Unless the context requires
 13 otherwise, in this chapter the following definitions apply:

14 (1) "Chiropody" or "podiatry" means the diagnosis,
 15 medical, surgical, mechanical, manipulative, and electrical
 16 treatment of ailments of the human foot.

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

18 (3) "Board" means the board of podiatry medical
 19 examiners provided for in 2-15-1600 2-15-1605.

20 (4) "Department" means the department of professional
 21 and occupational licensing provided for in Title 2, chapter
 22 15, part 16."

23 NEW SECTION. SECTION 3. ADMINISTRATION OF DRUGS. A
 24 LICENSED PODIATRIST MAY ADMINISTER AND PRESCRIBE DRUGS IN
 25 ACCORDANCE WITH 37-2-101 AS A "MEDICAL PRACTITIONER".

1 Section 4. Section 37-6-302, MCA, is amended to read:
 2 "37-6-302. Qualifications for licensure -- exemptions
 3 from examination. (1) Examinations shall be held at places
 4 and times the board directs. Persons who wish to begin the
 5 practice of podiatry in this state shall make application,
 6 on a form authorized by the state board of--podiatry
 7 examiners and furnished by the department, for a license to
 8 practice podiatry. The license may be granted to applicants
 9 after they have furnished satisfactory proof of good moral
 10 character, of having attained high school graduation or its
 11 equivalent, of having at least 4 years or equivalent time in
 12 quarter or semester hours of instruction in an accredited
 13 college of podiatry recognized as being in good standing by
 14 the board and have successfully passed the examination.
 15 (2) A license without written examination may be
 16 granted to podiatrists of other states maintaining equal
 17 statutory requirements for the practice of podiatry and
 18 extending the same reciprocal privilege to this state if
 19 they have had a valid license and practiced for at least 2
 20 preceding years in that state prior to filing for reciprocal
 21 privilege and by payment of \$50 to the department.
 22 (3) A license may be granted, at the discretion of the
 23 board and upon payment of \$50 to the department, if the
 24 applicant has successfully completed the national podiatry
 25 board examination and after a personal interview by the

1 board."

2 Section 5. Section 37-6-303, MCA, is amended to read:
 3 "37-6-303. Examination -- subjects -- fees --
 4 reexamination. (1) A person not exempt from examination
 5 under 37-6-302 and desiring a license to practice podiatry
 6 shall be examined in the following subjects: anatomy,
 7 chemistry, dermatology, diagnosis, materia medica,
 8 pathology, physiology, therapeutics, clinical and orthopedic
 9 podiatry, histology, bacteriology, pharmacy, neurology,
 10 surgery (minor), podiatry, foot orthopedics, shoe therapy,
 11 physiotherapy, roentgenology, hygiene and sanitation,
 12 ethics, and culture, limited in their scope to the treatment
 13 of the human foot, and, if qualified, shall receive a
 14 license. ~~the minimum requirements for a license are a~~
 15 ~~general average of 75% in all the subjects involved and not~~
 16 ~~less than 50% in any one subject.~~
 17 (2) An examination and license fee of \$35 shall be
 18 paid to the department.
 19 (3) An applicant failing the examination and being
 20 refused a license is entitled within 6 months of the refusal
 21 to a reexamination, but one reexamination exhausts his
 22 privilege under the original examination."
 23 Section 6. Section 37-6-312, MCA, is amended to read:
 24 "37-6-312. Penalty. Any person who shall knowingly
 25 violate any of the provisions of this chapter, and upon

1 ~~conviction thereof, shall be fined the sum not exceeding~~
2 ~~\$1,000 or be imprisoned in the county jail not to exceed 2~~
3 ~~years or both~~ is guilty of a misdemeanor and on conviction
4 shall be fined not less than \$250 or more than \$1,000 or
5 imprisoned in the county jail for not less than 90 days or
6 more than 1 year, or both fined and imprisoned."

7 NEW SECTION. Section 7. Transfer of funds and
8 records. By the effective date of this act, all funds and
9 records of the board of podiatry examiners shall be
10 transferred to the board of medical examiners.

11 NEW SECTION. Section 8. Rules remain in effect.
12 Existing rules of the board of podiatry examiners remain in
13 effect unless amended or repealed by the board of medical
14 examiners.

15 SECTION 9. CODIFICATION INSTRUCTION. SECTION 3 IS
16 INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 37,
17 CHAPTER 6, PART 1, AND THE PROVISIONS OF TITLE 37, CHAPTER
18 6, APPLY TO SECTION 3.

19 Section 10. Repealer. Sections 2-15-1608 and 37-6-201,
20 MCA, are repealed.

21 Section 11. Effective date. This act is effective July
22 1, 1981, and the provisions of 2-8-121 do not apply to the
23 board of podiatry examiners.

-End-

March 24, 1981

THE HOUSE BUSINESS AND INDUSTRY COMMITTEE amendments to SENATE BILL 392 in the third reading copy are as follows:

1. Title, line 8.

Following: "EXAMINERS;"

Insert: "ADDING A PODIATRIST TO THE BOARD OF MEDICAL EXAMINERS;
AUTHORIZING A PODIATRIST TO ADMINISTER DRUGS;

2. Page 3.

Following: line 5

Insert: "Section 1. Section 2-15-1605, MCA, is amended to read:

"2-15-1605. Board of medical examiners. (1) There is a Montana state board of medical examiners.

(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:

(a) six members having the degree of doctor of medicine; and

(b) one member having the degree of doctor of osteopathy;

and

(c) one member who is a licensed podiatrist.

(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 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; however, 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 osteopathy.

(5) Each member shall serve for a term of 7 years. 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.

(6) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Renumber: subsequent sections

3. Page 3.

Following: line 17

Insert: "NEW SECTION. Section 3. Administration of drugs. A licensed podiatrist may administer and prescribe drugs in accordance with 37-2-101 as a "medical practitioner"."

Renumber: subsequent sections

4. Page 6, following line 6.

Insert: "Section 7. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 37, chapter 6, part 1, and the provisions of Title 37, chapter 6, apply to [Section 3]."

Renumber: subsequent sections

BE CONCURRED IN AS AMENDED