

SENATE BILL NO. 393

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 11, 1981	Committee recommend bill do pass. Report adopted.
February 12, 1981	Fiscal note returned. Bill printed and placed on members' desks.
February 13, 1981	Second reading, do pass.
February 14, 1981	Correctly engrossed.
February 16, 1981	Third reading, passed. Ayes, 47; Noes, 0. Transmitted to House.

IN THE HOUSE

February 17, 1981	Introduced and referred to Committee on State Administration.
March 6, 1981	Committee recommend bill be concurred in. Report adopted.
March 9, 1981	Second reading, concurred in.
March 11, 1981	Third reading, concurred in. Ayes, 95; Noes, 0.

IN THE SENATE

March 12, 1981

Returned from House. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

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 2 INTRODUCED BY *Steve Brown* *Tim*

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 6 OF OSTEOPATHIC PHYSICIANS AND TRANSFER REGULATION OF
 7 OSTEOPATHY TO THE BOARD OF MEDICAL EXAMINERS; PROVIDING FOR
 8 CONTINUING LICENSURE OF CURRENT LICENSEES WHO MEET EXISTING
 9 QUALIFICATIONS FOR LICENSURE; PROVIDING FOR TRANSFER OF
 10 FUNDS AND RECORDS; CONTINUING EXISTING RULES; AMENDING
 11 SECTIONS 37-5-101 AND 37-5-202, MCA; REPEALING SECTIONS
 12 2-15-1607, 37-5-201, AND 37-5-202, MCA; AND PROVIDING AN
 13 EFFECTIVE DATE."

14 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 15 MCA, terminates the Board of Osteopathic Physicians and
 16 requires a performance evaluation of the Board by the
 17 Legislative Audit Committee; and

18 WHEREAS, as a result of the performance evaluation, the
 19 Legislative Audit Committee recommends that the Board of
 20 Osteopathic Physicians be terminated and that regulation of
 21 osteopathy be transferred to the Board of Medical Examiners.

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

24 Section 1. Section 37-5-101, MCA, is amended to read:
 25 "37-5-101. Definitions -- practice of osteopathy. (1)

1 Unless the context requires otherwise, in this chapter the
 2 following definitions apply:

3 (a) "Board" means the board of ~~osteopathic--physicians~~
 4 ~~medical examiners~~ provided for in ~~2-15-1607~~ ~~2-15-1605~~.

5 (b) "Department" means the department of professional
 6 and occupational licensing provided for in Title 2, chapter
 7 15, part 16.

8 (2) Every person is "practicing osteopathy" within the
 9 meaning of this chapter who:

10 (a) appends to or uses in connection with his or her
 11 name the words "doctor of osteopathy, diplomate of
 12 osteopathy, osteopath, osteopathist, osteopathic
 13 practitioner, osteopathic physician", or words of like
 14 import or any abbreviation thereof or the letters "D.O."; or

15 (b) professes publicly to or who, either on his own
 16 behalf, in his own name or in his trade name, or in behalf
 17 of any other person, corporation, association, partnership
 18 (as manager, bookkeeper, practitioner, or agent), treats,
 19 cures, alleviates, or relieves any ailment or disease of
 20 either mind or body or cures or relieves any fracture or
 21 misplacement or abnormal condition or bodily injury or
 22 deformity by any treatment or manipulation or method of
 23 manipulating a human body or any of its limbs, muscles, or
 24 parts by the use of the hands or mechanical appliances in an
 25 effort or attempt to relieve any pressure, obstruction,

1 misplacement, or defect in any bone, muscle, ligament,
 2 nerve, vessel, organ, or part of the body, after having
 3 received or with the intent or expectation of receiving
 4 therefor, either directly or indirectly, any bonus, gift, or
 5 compensation whatsoever; provided, however, that nothing in
 6 this section restrains or restricts any legally licensed
 7 physician or surgeon in the practice of his profession."

8 Section 2. Section 37-5-302, MCA, is amended to read:

9 "37-5-302. Examination -- examination fee. (1) A
 10 person commencing the practice of osteopathy in this state,
 11 in any of its branches, shall apply to the department for a
 12 license to do so, and the applicant, at the time and place
 13 designated by the board, shall submit to an examination in
 14 the following subjects: anatomy, physiology, chemistry,
 15 pathology, bacteriology, gynecology, obstetrics, and theory
 16 and practice of osteopathy and other subjects taught in
 17 well-regulated and recognized schools of osteopathy and
 18 considered advisable by the board and shall present evidence
 19 of having actually attended, as required in 37-5-301, a
 20 legally authorized and regularly conducted school of
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23 (2) Examination papers on subjects peculiar to
 24 osteopathy shall be graded by the department, subject to
 25 37-1-101. The examination shall be scientific and practical,

1 but of sufficient severity to test the candidate's fitness
 2 to practice osteopathy.

3 (3) After examination the department shall issue a
 4 license to practice osteopathy in this state to applicants
 5 who pass the examination, which license shall be granted by
 6 not less than two members of the board, attested by the
 7 board's seal.

8 (4) The fee for the examination and license is \$20."

9 Section 3. Continuing licensure of current licensees.
 10 Persons presently licensed by the board of osteopathic
 11 physicians shall continue to be eligible for licensure by
 12 meeting current qualifications for licensure. No new
 13 qualifications for licensure may be required of persons
 14 licensed prior to the effective date of this act.

15 Section 4. Transfer of funds and records. By the
 16 effective date of this act, all funds and records of the
 17 board of osteopathic physicians shall be transferred to the
 18 board of medical examiners.

19 Section 5. Continuation of existing rules. Current
 20 rules of the board of osteopathic physicians remain in
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23 Section 6. Repealer. Sections 2-15-1607, 37-5-201, and
 24 37-5-202, MCA, are repealed.

25 Section 7. Effective date. This act is effective July

1 1, 1981, and the provisions of 2-8-121 do not apply to the
2 board of osteopathic physicians.

-End-

STATE OF MONTANA

REQUEST NO. 329-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 393 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 Osteopathic Physicians and transfer regulation of osteopathy to the Board of Medical Examiners; providing for continuing education of current licensees who meet existing qualifications for licensure; providing for transfer of funds and records; continuing existing rules.

Assumptions

1. Assume 34 current osteopaths licensed.
2. All board member duties transferred to Board of Medical Examiners.
3. Assume licensing function with no discipline problems.
4. Assume additional work will be absorbed by present Medical Examiners personnel.
5. Assume balance of budget will be added to Board of Medical Examiners budget.

Fiscal Impact

<u>Revenue</u>	<u>FY 1982</u>	<u>FY 1983</u>
License fees	\$ 400	\$ 400

These amounts would be transferred from the Board of Osteopathic Physicians' Ear-marked Account to the Board of Medical Examiners ERA.

Expenditure

Board of Osteopathic Physicians:		
Under Current Law*	\$ 1,278	\$ 1,332
Under Proposed Law	0	0
Net Reduction	<u>\$(1,278)</u>	<u>\$(1,332)</u>
Board of Medical Examiners:		
Under Current Law*	\$72,523	\$74,928
Under Proposed Law	<u>72,923</u>	<u>75,328</u>
Net Increase	\$ 400	\$ 400
Total Saving	\$ 878	\$ 932

*Executive Budget



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-12-81

Approved by Comm. on
Public Health, Safety and Welfare

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15 (b) professes publicly to or who, either on his own
16 behalf, in his own name or in his trade name, or in behalf
17 of any other person, corporation, association, partnership
18 (as manager, bookkeeper, practitioner, or agent), treats,
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20 either mind or body or cures or relieves any fracture or
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23 manipulating a human body or any of its limbs, muscles, or
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