HOUSE BILL NO. 687

INTRODUCED BY MENAHAN, BY REQUEST

IN THE HOUSE

February 8, 1983	Introduced and referred to Committee on Human Services.
February 21, 1983	Committee recommend bill do pass as amended. Report adopted.
February 22, 1983	Bill printed and placed on members' desks.
	Second reading, do pass.
February 23, 1983	Considered correctly engrossed.
	Third reading, passed. Transmitted to Senate.
IN	THE SENATE
March 1, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 18, 1983	Committee recommend bill be concurred in. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in. Ayes, 50; Noes, 0.
IN	THE HOUSE
March 23, 1983	Returned to House.
March 24, 1983	Sent to enrolling.
	Reported correctly enrolled.

LC 2062/01

House BILL NO. 687 INTRODUCED BY Menshan By Ragues + 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS 4 5 RELATING TO THE QUALIFICATIONS, APPLICATION, AND EXAMINATION FOR A LICENSE TO PRACTICE MEDICINE; AMENDING SECTIONS 6 37-3-305, 37-3-309, AND 37-3-311, MCA.* 7 9 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 37-3-305, MCA, is amended to read: 10 11 *37-3-305. Qualifications for licensure. (1) No person may be granted a physician's certificate to practice 12 13 medicine in this state unless he: (a) is of good moral character, as determined by the 14 15 board; 16 (b) is a graduate of an approved medical school as defined in 37-3-102; 17 18 (c) has completed an approved internship of at least 1 year or, in the opinion of the board, has had experience or 19 20 training which is at least the equivalent of 1 year 21 internship; 22 (d) has made a personal appearance before the board 23 unless such appearance has been specifically waived by the 24 board; and 25 (e) is able to communicate, in the opinion of the

1 board, in the English languageriand

2 (f)_is_a_resident_of_this_state. 3 (2) The board may authorize the department to issue 4 the license subject to terms of probation or other 5 conditions or limitations set by the board or may refuse a 6 license if the applicant has committed unprofessional 7 conduct or is otherwise ungualified. (3) No person may be granted a temporary license to 8 9 practice medicine in this state unless he: 10 (a) is of good moral character, as determined by the 11 board: 12 (b) is a graduate of an approved medical school as 13 defined in 37-3-102; 14 (c) has completed an approved internship of at least 1 15 year or, in the opinion of the board, has had experience or 16 training which is at least the equivalent of 1 year 17 internship; (d) has made a personal appearance before at least one 18 19 member of the board; and (a) is able, in the opinion of the board, to 20 21 communicate in the English language." Section 2. Section 37-3-309, MCA, is amended to read: 22 23 #37-3-309. Application for license. (1) A person 24 desiring a license to practice medicine shall make 25 application to the department, verified by oath and in a

-2- INTRODUCED BILL

1 form prescribed by the board. The application shall be 2 accompanied by the license fee and documents, affidavits, 3 and certificates necessary to establish that the applicant 4 possesses the qualifications prescribed by this chapter 5 apart from an examination required by the board. The burden of proof is on the applicant, but the board may make an 6 7 independent investigation to determine whether the applicant 8 possesses the qualifications and whether the applicant has 9 committed unprofessional conduct. At the board's request. 10 the applicant shall provide necessary authorizations for the 11 release of records and information pertinent to the board's 12 information.

13 (2) An applicant for a license on the basis of an 14 examination shall file his application at least 30 60 days 15 prior to the announced date of the examination. If the 16 applicant is not at the time of filing his application a 17 graduate of but is then in attendance at an approved medical 18 school, he shall submit to the department, instead of a 19 diploma or other required evidence of graduation, a written 20 statement from the dean or other authorized representative 21 of the approved medical school that the applicant will 22 receive his diploma at the end of the then-current school 23 term. The applicant may not be granted a certificate until 24 he has filed with the department his diploma or other 25 acceptable evidence of graduation from the approved medical

1 school and has complied with the requirements of subsection 2 (1) of this section, and no license may be issued to him 3 until he has satisfied the board that he has completed at 4 least 1 year of an approved internship or its equivalent and 5 has otherwise met the requirements for the issuance of a 1 license under this chapter."

7 Section 3. Section 37-3-311, MCA, is amended to read: 8 #37-3-311. Examination. (1) Examinations for a license 9 to practice medicine shall be held not less than twice each year, at a time and place specified by the board. The 10 11 examination shall be conducted in the English language and 12 shall be sufficiently comprehensive in medicine to 13 adequately test the applicant's professional competence and 14 ability. The examination shall be fair and impartial. 15 Examination papers may-not-disclose-the-name-of-an-applicant but shall be identified by both the name of the applicant 16 17 and a number assigned by the department. The board may require the department to use the examination prepared by 18 19 the national board of medical examiners or the examination prepared by the federation licensing examination committee 20 21 or successors.

22 <u>121 An applicant must meet the requirements of</u> 23 <u>37-3-305 prior to taking a scheduled examination.</u>

24 (2)(3) The board may in its discretion require the 25 department to give, subject to 37-1-101, an oral or

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practical examination to test the applicant's qualifications
 for licensure and grant appropriate credit for this.

3 (3)(4) The board may use other Montana physicians to
4 assist in preparing the examination.

(4)151 A person may not be granted a license to 5 practice medicine if he fails to attain an average grade of 6 at least 75%. If an applicant fails to meet the minimum 7 grade requirements in his first examination, he may, after 8 9 not less than 6 months or more than 12 months, be reexamined. He may take one additional examination but not 10 less than 1 year after the date of the last preceding 11 examination. An examination fee shall be charged for each 12 13 additional examination. If an applicant is prevented through 14 no fault of his own from taking a scheduled examination, he 15 may, within 2 years, be examined without submitting a new 16 application.*

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48th Legislature

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HB 0687/02

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Approved by Comm. on Human Services

1	HOUSE BILL NO. 687	1	boardy-in-the-English-tanguages <u>1:200</u>
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3		3	{?}The- board-may-authorize-thedepartme nt toissue
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS	4	thełicensesubjecttoternsofprobationorother
5	RELATING TO THE QUALIFICATIONS APPLICATION, AND EXAMINATION	5	conditions-or-limitations-set-by-the-board-or-mayrefusea
6	FOR A LICENSE TO PRACTICE MEDICINE; AMENDING SECTIONS	5	};cense;ftheapp};canthascomm;ttedunprofessiona}
7	37-3-335, 37-3-309, AND 37-3-311, MCA	7	conduct-or-is-otherwise-unqualified.
8		8	{} No-person-may-be-granted-atemporary licenseto
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	practice-medicine-in-this-state-unless-het
10	Section-la-Section-37-3-305y-MCAy-is-amended-toreads	10	tajisofgood-moral-characters-as-determined- by-the
11	#37-3-305#Qualificutionsforlicensure#tt)No	11	boardt
12	person-may-be-granted-a-physician*s-certificate-topractice	12	to)is-a-graduate-of-anapprovedmedicalsenoolas
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18	tc]has-completed-an-approved-internship -of-at-lea st-l	18	fd}has-made-a-personal-appearance-before-at-least-one
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21	internship;	21	communicate-in-the-English-language==
22	fd)hesmadeopersonal-appearance-before-the-board	22	Section 1. Section 37-3-309, MCA, is amended to read:
23	unless-such-appearance-has-been-specifically-waivedbythe	23	#37+3-309+ Application for license+ (1) A person
24	board:-and	24	desiring a license to practice medicine shall make
25	fe}isabletocommunicateyinthe -opinion-of-the	25	application to the department, verified by oath and in a

HB 687 -2-SECOND READING

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(2) An applicant for a license on the basis of an 13 examination shall file his application at least 30 60 days 14 15 prior to the announced date of the examination. If the 16 applicant is not at the time of filing his application a 17 graduate of but is then in attendance at an approved medical 18 school, he shall submit to the department, instead of a 19 diploma or other required evidence of graduation, a written 20 statement from the dean or other authorized representative 21 of the approved medical school that the applicant will 22 receive his diploma at the end of the then-current school 23 term. The applicant may not be granted a certificate until 24 he has filed with the department his diploma or other 25 acceptable evidence of graduation from the approved medical

1 school and has complied with the requirements of subsection
2 (1) of this section, and no license may be issued to him
3 until he has satisfied the board that he has completed at
4 least 1 year of an approved internship or its equivalent and
5 has otherwise met the requirements for the issuance of a
6 license under this chapter."

7 Section 2. Section 37-3-311, MCA, is amended to read: а "37-3-311. Examination. (1) Examinations for a license 9 to practice medicine shall be held not less than twice each 10 year, at a time and place specified by the board. The 11 examination shall be conducted in the English language and 12 shall be sufficiently comprehensive in medicine to 13 adequately test the applicant's professional competence and 14 ability. The examination shall be fair and impartial. 15 Examination papers may-not-disclose-the-name-of-an-applicant 16 but shall be identified by both the name of the applicant 17 and a number assigned by the department. The board may 18 require the department to use the examination prepared by 19 the national board of medical examiners or the examination 20 prepared by the federation licensing examination committee 21 or successors.

22 (21_An_applicant_must_meet_the_requirements_of

23 37-3-305_prior_to_taking_a_scheduled_examination.

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1 EDUCATION__COUNCIL__FOR__EOREIGN__MEDICAL_GRADUATES_OR 2 SUCCESSORS.

3 <u>(2)1211(4)</u> The board may in its discretion require the 4 department to give, subject to 37-1-101, an oral or 5 practical examination to test the applicant's qualifications 6 for licensure and grant appropriate credit for this.

7 (3)(4)(5) The board may use other Montana physicians
8 to assist in preparing the examination.

9 title1 A person may not be granted a license to practice medicine if he fails to attain an average grade of 10 at least 75%. If an applicant fails to meet the minimum 11 12 grade requirements in his first examination, he may, after 13 not less than 6 months or more than 12 months, be 14 reexamined. He may take one additional examination but not 15 less than 1 year after the date of the last preceding 16 examination. An examination fee shall be charged for each 17 additional examination. If an applicant is prevented through 18 no fault of his own from taking a scheduled examination, he may, within 2 years, be examined without submitting a new 19 application." 20

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1	HOUSE BILL NO. 687	1	boardy-in-the-English-language+ <u>r:and</u>
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS	4	the}+censesubjecttoternsofprobationorother
5	RELATING TO THE QUALIFICATION, APPLICATION, AND EXAMINATION	5	conditions-or-limitations-set-by-the-board-or-mayrefusea
6	FOR A LICENSE TO PRACTICE MEDICINE; AMENDING SECTIONS	6	licenseiftheapplicanthascommittedunprofessional
7	37-3-385+ 37-3-309+ AND 37-3-311, HCA.*	7	conduct-or-is-otherwise-unqualified.
8		8	{}
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	practice-modicine-in-this-state-unless-het
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1 EDUCATION.__COUNCIL__FOR__EOBELGN__MEDICAL_GRADUATES_OR 2 SUCCESSORS.

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48th Legislature

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REFERENCE BILL

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23 <u>37-3-305_prior_to_taking_a_scheduled_examinations</u>

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25 MEDICAL_SCHOOL_SHALL_HAYE_PASSED_AN_EXAMINATION_GIVEN_BY_THE

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HB 687

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