

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.

1 House BILL NO. 687  
2 INTRODUCED BY Menehan  
3 By Request  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS  
5 RELATING TO THE QUALIFICATIONS, APPLICATION, AND EXAMINATION  
6 FOR A LICENSE TO PRACTICE MEDICINE; AMENDING SECTIONS  
7 37-3-305, 37-3-309, AND 37-3-311, MCA."  
8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
10 Section 1. Section 37-3-305, MCA, is amended to read:  
11 "37-3-305. Qualifications for licensure. (1) No person  
12 may be granted a physician's certificate to practice  
13 medicine in this state unless he:  
14 (a) is of good moral character, as determined by the  
15 board;  
16 (b) is a graduate of an approved medical school as  
17 defined in 37-3-102;  
18 (c) has completed an approved internship of at least 1  
19 year or, in the opinion of the board, has had experience or  
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 language; and  
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 unqualified.  
8 (3) No person may be granted a temporary license to  
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;  
18 (d) has made a personal appearance before at least one  
19 member of the board; and  
20 (e) is able, in the opinion of the board, to  
21 communicate in the English language."  
22 Section 2. Section 37-3-309, MCA, is amended to read:  
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

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

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

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

Section 3. Section 37-3-311, MCA, is amended to read:

"37-3-311. Examination. (1) Examinations for a license to practice medicine shall be held not less than twice each year, at a time and place specified by the board. The examination shall be conducted in the English language and shall be sufficiently comprehensive in medicine to adequately test the applicant's professional competence and ability. The examination shall be fair and impartial. Examination papers ~~may not disclose the name of an applicant~~ but shall be identified by both the name of the applicant and a number assigned by the department. The board may require the department to use the examination prepared by the national board of medical examiners or the examination prepared by the federation licensing examination committee or successors.

~~(2) An applicant must meet the requirements of 37-3-305 prior to taking a scheduled examination.~~

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

1 practical examination to test the applicant's qualifications  
2 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.

5 ~~(4)(5)~~ A person may not be granted a license to  
6 practice medicine if he fails to attain an average grade of  
7 at least 75%. If an applicant fails to meet the minimum  
8 grade requirements in his first examination, he may, after  
9 not less than 6 months or more than 12 months, be  
10 reexamined. He may take one additional examination but not  
11 less than 1 year after the date of the last preceding  
12 examination. An examination fee shall be charged for each  
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."

-End-

Approved by Comm. on Human Services

HOUSE BILL NO. 687

INTRODUCED BY MENAHAN, BY REQUEST

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO THE QUALIFICATIONS, APPLICATION, AND EXAMINATION FOR A LICENSE TO PRACTICE MEDICINE; AMENDING SECTIONS 37-3-305, 37-3-309, AND 37-3-311, MCA."

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

Section 1. Section 37-3-305, MCA, is amended to read:

"37-3-305. Qualifications for licensure. (1) No person may be granted a physician's certificate to practice medicine in this state unless he:

(a) is of good moral character, as determined by the board;

(b) is a graduate of an approved medical school as defined in 37-3-102;

(c) has completed an approved internship of at least 1 year or, in the opinion of the board, has had experience or training which is at least the equivalent of 1-year internship;

(d) has made a personal appearance before the board unless such appearance has been specifically waived by the board; and

(e) is able to communicate, in the opinion of the

board, in the English language; and

(f) is a resident of this state;

(2) The board may authorize the department to issue the license subject to terms of probation or other conditions or limitations set by the board or may refuse a license if the applicant has committed unprofessional conduct or is otherwise unqualified.

(3) No person may be granted a temporary license to practice medicine in this state unless he:

(a) is of good moral character, as determined by the board;

(b) is a graduate of an approved medical school as defined in 37-3-102;

(c) has completed an approved internship of at least 1 year or, in the opinion of the board, has had experience or training which is at least the equivalent of 1-year internship;

(d) has made a personal appearance before at least one member of the board; and

(e) is able, in the opinion of the board, to communicate in the English language."

Section 1. Section 37-3-309, MCA, is amended to read:

"37-3-309. Application for license. (1) A person desiring a license to practice medicine shall make application to the department, verified by oath and in a

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  
 6 of proof is on the applicant, but the board may make an  
 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 90 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  
 6 license under this chapter."

7 Section 2. 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  
 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~~  
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 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 ~~(2) An applicant must meet the requirements of~~  
 23 ~~37-3-305 prior to taking a scheduled examination.~~

24 ~~(3) AN APPLICANT WHO IS A GRADUATE OF A FOREIGN~~  
 25 ~~MEDICAL SCHOOL SHALL HAVE PASSED AN EXAMINATION GIVEN BY THE~~

1 EDUCATION COUNCIL FOR FOREIGN MEDICAL GRADUATES OR  
2 SUCCESSORS.

3 ~~(2)~~~~(3)~~~~(4)~~ 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 ~~(4)~~~~(5)~~~~(6)~~ A person may not be granted a license to  
10 practice medicine if he fails to attain an average grade of  
11 at least 75%. If an applicant fails to meet the minimum  
12 grade requirements in his first examination, he may, after  
13 not less than 6 months or more than 12 months, be  
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(c) has completed an approved internship of at least 1 year or, in the opinion of the board, has had experience or training which is at least the equivalent of 1-year internship;

(d) has made a personal appearance before the board unless such appearance has been specifically waived by the board; and

(e) is able to communicate in the opinion of the

board, in the English language, and

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(2) The board may authorize the department to issue the license subject to terms of probation or other conditions or limitations set by the board or may refuse a license if the applicant has committed unprofessional conduct or is otherwise unqualified.

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13 (2) An applicant for a license on the basis of an  
 14 examination shall file his application at least 30 to 60 days  
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7       ~~(3714115)~~ The board may use other Montana physicians  
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