

1 Senate BILL NO. 248
 2 INTRODUCED BY Frank
 3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE EACH BOARD
 6 ASSIGNED TO THE DEPARTMENT OF COMMERCE TO MEET AT LEAST
 7 TWICE A YEAR; AMENDING SECTIONS 37-1-131, 37-4-202,
 8 37-7-201, 37-8-202, 37-10-201, 37-12-201, 37-15-201,
 9 37-16-201, AND 37-40-201, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 37-1-131, MCA, is amended to read:
 13 "37-1-131. Duties of boards. Each board within the
 14 department shall:

15 (1) set and enforce standards and rules governing the
 16 licensing, certification, registration, and conduct of the
 17 members of the particular profession or occupation within
 18 its jurisdiction;

19 (2) sit in judgment in hearings for the suspension,
 20 revocation, or denial of a license of an actual or potential
 21 member of the particular profession or occupation within its
 22 jurisdiction. The hearings shall be conducted by the legal
 23 counsel appointed under 37-1-121(1).

24 (3) pay to the department its pro rata share of the
 25 assessed costs of the department under 37-1-101(6); and

1 (4) meet at least twice a year or as often as is
 2 necessary to handle the business of the board."

3 Section 2. Section 37-4-202, MCA, is amended to read:

4 "37-4-202. Meetings -- notice -- quorum -- records.

5 (1) The board shall meet at least once twice each year in
 6 this state at the call of the president and
 7 secretary-treasurer. Five days' notice must be given by the
 8 department to board members of the time and place of the
 9 meeting of the board.

10 (2) Meetings held for the purpose of examining
 11 candidates for a license to practice dentistry in this state
 12 may not exceed 6 days.

13 (3) Four members of the board constitute a quorum for
 14 the transaction of business. Its proceedings are open to
 15 public inspection in cases of public interest.

16 (4) Money collected by the department under this
 17 chapter shall be deposited in the state special revenue fund
 18 for the use of the board, subject to 37-1-101(6).

19 (5) The department shall keep a complete record of
 20 meetings and proceedings of the board and shall keep a
 21 complete account of moneys received and disbursements made
 22 by the department."

23 Section 3. Section 37-7-201, MCA, is amended to read:

24 "37-7-201. Organization -- powers and duties. (1) The
 25 board shall meet at least once twice a year to transact its



1 business. The board shall annually elect from its members a
2 president, vice-president, and secretary.

3 (2) The board shall:

4 (a) regulate the practice of pharmacy in this state
5 subject to this chapter;

6 (b) determine the minimum equipment necessary in and
7 for a pharmacy;

8 (c) regulate, under therapeutic classification, the
9 sale of drugs, medicines, chemicals, and poisons and their
10 labeling;

11 (d) regulate the quality of drugs and medicines
12 dispensed in this state, using the United States
13 Pharmacopoeia/National Formulary or revisions thereof as the
14 standards;

15 (e) request the department to enter and inspect, at
16 reasonable times, places where drugs, medicines, chemicals,
17 or poisons are sold, vended, given away, compounded,
18 dispensed, or manufactured. It is a misdemeanor for a person
19 to refuse to permit or otherwise prevent the department from
20 entering these places and making an inspection.

21 (f) regulate the practice of interns under national
22 standards;

23 (g) make rules for the conduct of its business;

24 (h) perform other duties and exercise other powers as
25 this chapter requires;

1 (i) adopt and authorize the department to publish
2 rules for carrying out and enforcing parts 1 through 3 of
3 this chapter.

4 (3) The department shall:

5 (a) license, register, and examine, subject to
6 37-1-101, applicants whom the board considers qualified
7 under this chapter;

8 (b) license pharmacies and certain stores under this
9 chapter; and

10 (c) issue certificates of "certified pharmacy" under
11 this chapter."

12 Section 4. Section 37-8-202, MCA, is amended to read:

13 "37-8-202. Organization -- meetings -- powers and
14 duties. (1) The board shall meet annually at least twice a
15 year and shall elect from among the nine members a president
16 and a secretary. The board shall hold other meetings when
17 necessary to transact its business. A majority of the board
18 constitutes a quorum at any meeting. The department shall
19 keep complete minutes and records of the meetings and rules
20 and orders promulgated by the board.

21 (2) The board may make rules necessary to administer
22 this chapter. The board shall prescribe standards for
23 schools preparing persons for registration and licensure
24 under this chapter. It shall provide for surveys of schools
25 at times it considers necessary. It shall approve programs

1 that meet the requirements of this chapter and of the board.
 2 The department shall, subject to 37-1-101, examine and issue
 3 to and renew licenses of qualified applicants. The board
 4 shall conduct hearings on charges which may call for
 5 discipline of a licensee, revocation of a license, or
 6 removal of schools of nursing from the approved list. It
 7 shall cause the prosecution of persons violating this
 8 chapter and may incur necessary expenses for this.

9 (3) The board may adopt and the department shall
 10 publish forms for use by applicants and others, including
 11 license, certificate, and identity forms and other
 12 appropriate forms and publications convenient for the proper
 13 administration of this chapter, and the board may fix
 14 reasonable fees for incidental services, all within the
 15 subject matter delegated by this chapter.

16 (4) The board may participate in and pay fees to a
 17 national organization of state boards of nursing to assure
 18 interstate endorsement of licenses.

19 (5) The board of nursing may define the educational
 20 requirements and other qualifications applicable to
 21 specialty areas of nursing. Specialty areas of nursing are
 22 those that require additional professional education beyond
 23 the basic nursing degree required of a registered nurse,
 24 which additional education is obtained in courses offered in
 25 a university setting or its equivalent and certified by the

1 American nurses' association. Specialty areas of nursing
 2 include nurse practitioners, nurse-midwives, and
 3 nurse-anesthetists."

4 Section 5. Section 37-10-201, MCA, is amended to read:
 5 "37-10-201. Organization -- meetings. The board shall
 6 annually choose from its members a president and secretary,
 7 both of whom may administer oaths and take affidavits. The
 8 board shall meet at least ~~once~~ twice each year, at Helena or
 9 some other place designated by the president, ~~on-the--fourth~~
 10 ~~Monday--of--July~~ and, in addition, whenever and wherever the
 11 president and secretary call a meeting. The department shall
 12 keep a record of the proceedings of the board, which shall
 13 be open to public inspection."

14 Section 6. Section 37-12-201, MCA, is amended to read:
 15 "37-12-201. Organization of board -- meetings --
 16 powers and duties. (1) The board shall elect annually a
 17 president, vice-president, and secretary-treasurer from its
 18 membership.

19 (2) The board shall hold ~~a~~ two regular ~~meeting~~
 20 meetings each year at Helena and shall hold special meetings
 21 at times and places as a majority of the board designates.
 22 Not more than four meetings may be held in any one year. A
 23 majority of the board constitutes a quorum.

24 (3) The board may administer oaths, take affidavits,
 25 summon witnesses, and take testimony as to matters coming

1 within the scope of the board. It shall adopt a seal which
 2 shall be affixed to licenses issued and shall make rules
 3 necessary for the performance of its duties. It shall make a
 4 schedule of minimum educational requirements, which are
 5 without prejudice, partiality, or discrimination, as to the
 6 different schools of chiropractic. The department shall keep
 7 a record of the proceedings of the board which shall at all
 8 times be open to public inspection."

9 Section 7. Section 37-15-201, MCA, is amended to read:

10 "37-15-201. Meetings. (1) The board shall meet at
 11 least once twice a year at a place, day, and hour determined
 12 by the board. The board shall also meet at other times and
 13 places as the bylaws of the board may provide or by call of
 14 the chairman or a majority of the members of the board. A
 15 quorum of the board shall consist of the majority of its
 16 members, but in no instance may a meeting of three board
 17 members who are exclusively speech pathologists or
 18 exclusively audiologists be considered a quorum.

19 (2) All meetings of the board for the consideration of
 20 and action on matters coming before the board are open to
 21 the public except:

22 (a) matters involving the management of internal
 23 affairs of the board may be considered and acted upon by the
 24 board in executive meetings under rules prescribed by the
 25 board;

1 (b) sessions to prepare, approve, grade, or administer
 2 examinations;

3 (c) upon request of a person who has failed the
 4 licensing examinations and who is appearing to appeal the
 5 failure."

6 Section 8. Section 37-16-201, MCA, is amended to read:

7 "37-16-201. Meetings -- quorum -- organization. (1)
 8 The board shall meet at least once twice each year at a
 9 place and time determined by the chairman and at other times
 10 and places specified by the chairman to carry out this
 11 chapter. Three members constitute a quorum.

12 (2) Members of the board shall annually designate one
 13 member to serve as chairman and another member to serve as
 14 secretary-treasurer."

15 Section 9. Section 37-40-201, MCA, is amended to read:

16 "37-40-201. Chairman -- meetings. The board shall
 17 appoint one of its members chairman. The board shall meet at
 18 least once twice annually and at such other times as agreed
 19 upon. The board shall not meet more than four times a year."

20 NEW SECTION. Section 10. Extension of authority. Any
 21 existing authority of the department of commerce to make
 22 rules on the subject of the provisions of this act is
 23 extended to the provisions of this act.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 242-85

Form BD-15

In compliance with a written request received January 26, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 248 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:

To require each board assigned to the Department of Commerce to meet at least twice a year.

ASSUMPTIONS:

All Professional and Occupational Licensing Boards are currently funded for at least two meetings a year depending on the various laws and status of board activity.

FISCAL IMPACT:

None. Each board is already funded to meet at least twice per year.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

The title of this bill states that this is "an act to require each board assigned to the Department of Commerce to meet at least twice a year." This bill only affects Professional and Occupational Licensing Boards. There are other boards assigned to the Department that are not affected by this bill.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 1, 1985

SB248

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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2 INTRODUCED BY FARRELL
3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE ~~EACH--BOARD~~
6 OCCUPATIONAL AND LICENSING BOARDS ASSIGNED TO THE DEPARTMENT
7 OF COMMERCE TO MEET AT LEAST TWICE A YEAR; AMENDING SECTIONS
8 37-1-131, 37-4-202, 37-7-201, 37-8-202, 37-10-201,
9 37-12-201, 37-15-201, 37-16-201, AND 37-40-201, MCA."
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18 its jurisdiction;
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22 jurisdiction. The hearings shall be conducted by the legal
23 counsel appointed under 37-1-121(1).
24 (3) pay to the department its pro rata share of the
25 assessed costs of the department under 37-1-101(6); and

1 (4) meet at least twice a year or as often as is
2 necessary to handle the business of the board."
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6 this state at the call of the president and
7 secretary-treasurer. Five days' notice must be given by the
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10 (2) Meetings held for the purpose of examining
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14 the transaction of business. Its proceedings are open to
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16 (4) Money collected by the department under this
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6 (b) determine the minimum equipment necessary in and
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8 (c) regulate, under therapeutic classification, the
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10 labeling;

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12 dispensed in this state, using the United States
13 Pharmacopoeia/National Formulary or revisions thereof as the
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 10 ~~Monday--of--July~~ and, in addition, whenever and wherever the
 11 president and secretary call a meeting. The department shall
 12 keep a record of the proceedings of the board, which shall
 13 be open to public inspection."

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 15 "37-12-201. Organization of board -- meetings --
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 6 different schools of chiropractic. The department shall keep
 7 a record of the proceedings of the board which shall at all
 8 times be open to public inspection."

9 Section 7. Section 37-15-201, MCA, is amended to read:

10 "37-15-201. Meetings. (1) The board shall meet at
 11 least once twice a year at a place, day, and hour determined
 12 by the board. The board shall also meet at other times and
 13 places as the bylaws of the board may provide or by call of
 14 the chairman or a majority of the members of the board. A
 15 quorum of the board shall consist of the majority of its
 16 members, but in no instance may a meeting of three board
 17 members who are exclusively speech pathologists or
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 25 board;

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3 (c) upon request of a person who has failed the
 4 licensing examinations and who is appearing to appeal the
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6 Section 8. Section 37-16-201, MCA, is amended to read:

7 "37-16-201. Meetings -- quorum -- organization. (1)
 8 The board shall meet at least once twice each year at a
 9 place and time determined by the chairman and at other times
 10 and places specified by the chairman to carry out this
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12 (2) Members of the board shall annually designate one
 13 member to serve as chairman and another member to serve as
 14 secretary-treasurer."

15 Section 9. Section 37-40-201, MCA, is amended to read:

16 "37-40-201. Chairman -- meetings. The board shall
 17 appoint one of its members chairman. The board shall meet at
 18 least once twice annually and at such other times as agreed
 19 upon. The board shall not meet more than four times a year."

20 NEW SECTION. Section 10. Extension of authority. Any
 21 existing authority of the department of commerce to make
 22 rules on the subject of the provisions of this act is
 23 extended to the provisions of this act.

-End-