

HOUSE BILL NO. 386

INTRODUCED BY CODY, DARKO, VAUGHN
BY REQUEST OF THE BOARD OF CHIROPRACTORS

IN THE HOUSE

JANUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

FEBRUARY 3, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 4, 1987 PRINTING REPORT.

FEBRUARY 5, 1987 SECOND READING, DO PASS.

FEBRUARY 6, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 93; NOES, 6.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

FEBRUARY 20, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 2, 1987 SECOND READING, CONCURRED IN.

MARCH 4, 1987 THIRD READING, CONCURRED IN.
AYES, 48; NOES, 1.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 5, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

MARCH 6, 1987 ENROLLING REPORT.

MARCH 6, 1987

SIGNED BY SPEAKER.

IN THE SENATE

MARCH 7, 1987

SIGNED BY PRESIDENT.

IN THE HOUSE

MARCH 9, 1987

DELIVERED TO GOVERNOR.

MARCH 16, 1987

RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.

MARCH 19, 1987

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

MARCH 20, 1987

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 23, 1987

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

MARCH 24, 1987

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 24, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 386
 2 INTRODUCED BY Boyer, Darko, Vaughan
 3 BY REQUEST OF THE BOARD OF CHIROPRACTORS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 6 RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO
 7 ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE
 8 STATUS; AMENDING SECTIONS 37-12-201, 37-12-307, AND
 9 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Section 37-12-201, MCA, is amended to read:

13 "37-12-201. Organization of board -- meetings --
 14 powers and duties. (1) The board shall elect annually a
 15 president, vice-president, and secretary-treasurer from its
 16 membership.

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

22 (3) The board ~~may~~ shall:

23 (a) administer oaths, take affidavits, summon
 24 witnesses, and take testimony as to matters coming within
 25 the scope of the board; ~~it shall~~

1 (b) adopt a seal which shall be affixed to licenses
 2 issued; ~~and shall make rules necessary for the performance~~
 3 ~~of its duties; it shall~~

4 (c) make a schedule of minimum educational
 5 requirements, which are without prejudice, partiality, or
 6 discrimination, as to the different schools of
 7 chiropractic;

8 (d) adopt rules necessary for the implementation,
 9 administration, continuation, and enforcement of this
 10 chapter. The rules must address but are not limited to
 11 license applications, form and display of license, license
 12 examination format, criteria for and grading of
 13 examinations, and disciplinary standards for licensees;

14 (e) investigate complaints;

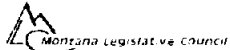
15 (f) make determinations of the qualifications of
 16 applicants under this chapter;

17 (g) administer the examination for licensure under
 18 this chapter;

19 (h) collect fees and charges prescribed in this
 20 chapter; and

21 (i) issue, suspend, or revoke licenses under the
 22 conditions prescribed in this chapter.

23 (4) The department shall keep a record of the
 24 proceedings of the board which shall at all times be open to
 25 public inspection."



1 Section 2. Section 37-12-307, MCA, is amended to read:

2 "37-12-307. Annual renewal of license -- fee fees --
3 continuing education required -- inactive status. (1) A
4 license expires on September 1 of each year and shall be
5 renewed by the department on payment of a renewal fee, as
6 set by the board, and the presentation of evidence
7 satisfactory to the board that the licensee, in the year
8 preceding the application for renewal, attended and
9 successfully completed a postgraduate educational program
10 for chiropractors approved by the board. All applicants for
11 renewal who have not paid the renewal fee prior to October 1
12 of each year shall pay an additional late fee prescribed by
13 the board.

14 (2) The board shall by rule set standards for inactive
15 status. It shall charge an annual fee for a license placed
16 on inactive status.

17 (3) An inactive license may be reinstated to active
18 status upon payment of a fee and completion of the
19 continuing education requirements set by the board."

20 Section 3. Section 37-12-309, MCA, is amended to read:

21 "37-12-309. Municipal license fee prohibited. No
22 license fee or license tax may be imposed upon doctors of
23 chiropractic as a condition to the practice of their
24 profession by a municipality or any other political
25 subdivision of the state, including a local government with

1 self-governing powers."

2 NEW SECTION. Section 4. Extension of authority. Any
3 existing authority of the board of chiropractors to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

6 NEW SECTION. Section 5. Effective date. This act is
7 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB386, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to clarify the Board of Chiropractors rule-making authority and to establish inactive status requirements and fees for such licenses.

ASSUMPTIONS:

1. Assume that currently there will be no added costs for additional board meetings.
2. Assume that the only new rules required will be those concerning licenses for inactive status.
3. Assume there will be 36 inactive status licenses at a fee of \$50.
4. Assume the cost of adopting the rules will be \$300 based on past experience.
5. Assume any additional work load can be handled by existing program staff and income from the inactive license fees will be adequate enough to cover any additional overhead costs.

FISCAL IMPACT:

	FY88			FY89			Biennium Difference
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference	
<u>Expenditures</u>							
Earmarked Special Revenue	\$27,342	\$27,642	\$ 300	\$26,005	\$26,005	\$ 0	\$ 300
<u>Revenues:</u>							
Earmarked Special Revenue	\$31,000	\$32,800	\$ 1,800	\$31,000	\$32,800	\$ 1,800	\$ 3,600

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The only impact on county or other local revenue or expenditures is that under Section (3), which amends Section 37-12-309, MCA. Local governments with self-governing powers, will be prohibited from licensing chiropractors at the local level.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

More persons will continue their license on an inactive status rather than allowing them to lapse, thus giving the board more funds to carry out statutory intent.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

Not apparent.

David L. Hunter DATE 1/24/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Dorothy A. Cody DATE 1/27/87
 DOROTHY CODY, PRIMARY SPONSOR

Fiscal Note for HB386, as introduced.

HB 386

APPROVED BY COMM. ON
BUSINESS AND LABOR

1 House BILL NO. 386
2 INTRODUCED BY Boyer, Darko, Vaughan
3 BY REQUEST OF THE BOARD OF CHIROPRACTORS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
6 RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO
7 ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE
8 STATUS; AMENDING SECTIONS 37-12-201, 37-12-307, AND
9 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10

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

12 Section 1. Section 37-12-201, MCA, is amended to read:
13 "37-12-201. Organization of board -- meetings --
14 powers and duties. (1) The board shall elect annually a
15 president, vice-president, and secretary-treasurer from its
16 membership.

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

22 (3) The board ~~may~~ shall:

23 (a) administer oaths, take affidavits, summon
24 witnesses, and take testimony as to matters coming within
25 the scope of the board; ~~it shall~~

1 (b) adopt a seal which shall be affixed to licenses
2 issued; ~~and shall make rules necessary for the performance~~
3 ~~of its duties; it shall~~

4 (c) make a schedule of minimum educational
5 requirements, which are without prejudice, partiality, or
6 discrimination, as to the different schools of
7 chiropractic;

8 (d) adopt rules necessary for the implementation,
9 administration, continuation, and enforcement of this
10 chapter. The rules must address but are not limited to
11 license applications, form and display of license, license
12 examination format, criteria for and grading of
13 examinations, and disciplinary standards for licensees;

14 (e) investigate complaints;

15 (f) make determinations of the qualifications of
16 applicants under this chapter;

17 (g) administer the examination for licensure under
18 this chapter;

19 (h) collect fees and charges prescribed in this
20 chapter; and

21 (i) issue, suspend, or revoke licenses under the
22 conditions prescribed in this chapter.

23 (4) The department shall keep a record of the
24 proceedings of the board which shall at all times be open to
25 public inspection."

1 Section 2. Section 37-12-307, MCA, is amended to read:
 2 "37-12-307. Annual renewal of license -- fee fees --
 3 continuing education required -- inactive status. (1) A
 4 license expires on September 1 of each year and shall be
 5 renewed by the department on payment of a renewal fee, as
 6 set by the board, and the presentation of evidence
 7 satisfactory to the board that the licensee, in the year
 8 preceding the application for renewal, attended and
 9 successfully completed a postgraduate educational program
 10 for chiropractors approved by the board. All applicants for
 11 renewal who have not paid the renewal fee prior to October 1
 12 of each year shall pay an additional late fee prescribed by
 13 the board.
 14 (2) The board shall by rule set standards for inactive
 15 status. It shall charge an annual fee for a license placed
 16 on inactive status.
 17 (3) An inactive license may be reinstated to active
 18 status upon payment of a fee and completion of the
 19 continuing education requirements set by the board."
 20 Section 3. Section 37-12-309, MCA, is amended to read:
 21 "37-12-309. Municipal license fee prohibited. No
 22 license fee or license tax may be imposed upon doctors of
 23 chiropractic as a condition to the practice of their
 24 profession by a municipality or any other political
 25 subdivision of the state, including a local government with

1 self-governing powers."
 2 NEW SECTION. Section 4. Extension of authority. Any
 3 existing authority of the board of chiropractors to make
 4 rules on the subject of the provisions of this act is
 5 extended to the provisions of this act.
 6 NEW SECTION. Section 5. Effective date. This act is
 7 effective on passage and approval.

-End-

1 House BILL NO. 386
 2 INTRODUCED BY Boyer, Darks, Vaughan
 3 BY REQUEST OF THE BOARD OF CHIROPRACTORS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 6 RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO
 7 ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE
 8 STATUS; AMENDING SECTIONS 37-12-201, 37-12-307, AND
 9 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Section 37-12-201, MCA, is amended to read:

13 "37-12-201. Organization of board -- meetings --
 14 powers and duties. (1) The board shall elect annually a
 15 president, vice-president, and secretary-treasurer from its
 16 membership.

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

22 (3) The board ~~may~~ shall:

23 (a) administer oaths, take affidavits, summon
 24 witnesses, and take testimony as to matters coming within
 25 the scope of the board; ~~it shall~~

1 (b) adopt a seal which shall be affixed to licenses
 2 issued; ~~and shall make rules necessary for the performance~~
 3 ~~of its duties; it shall~~

4 (c) make a schedule of minimum educational
 5 requirements, which are without prejudice, partiality, or
 6 discrimination, as to the different schools of
 7 chiropractic;

8 (d) adopt rules necessary for the implementation,
 9 administration, continuation, and enforcement of this
 10 chapter. The rules must address but are not limited to
 11 license applications, form and display of license, license
 12 examination format, criteria for and grading of
 13 examinations, and disciplinary standards for licensees;

14 (e) investigate complaints;

15 (f) make determinations of the qualifications of
 16 applicants under this chapter;

17 (g) administer the examination for licensure under
 18 this chapter;

19 (h) collect fees and charges prescribed in this
 20 chapter; and

21 (i) issue, suspend, or revoke licenses under the
 22 conditions prescribed in this chapter.

23 (4) The department shall keep a record of the
 24 proceedings of the board which shall at all times be open to
 25 public inspection."



-2- THIRD READING
 HB-386

1 Section 2. Section 37-12-307, MCA, is amended to read:

2 "37-12-307. Annual renewal of license -- fee fees --
3 continuing education required -- inactive status. (1) A
4 license expires on September 1 of each year and shall be
5 renewed by the department on payment of a renewal fee, as
6 set by the board, and the presentation of evidence
7 satisfactory to the board that the licensee, in the year
8 preceding the application for renewal, attended and
9 successfully completed a postgraduate educational program
10 for chiropractors approved by the board. All applicants for
11 renewal who have not paid the renewal fee prior to October 1
12 of each year shall pay an additional late fee prescribed by
13 the board.

14 (2) The board shall by rule set standards for inactive
15 status. It shall charge an annual fee for a license placed
16 on inactive status.

17 (3) An inactive license may be reinstated to active
18 status upon payment of a fee and completion of the
19 continuing education requirements set by the board."

20 Section 3. Section 37-12-309, MCA, is amended to read:

21 "37-12-309. Municipal license fee prohibited. No
22 license fee or license tax may be imposed upon doctors of
23 chiropractic as a condition to the practice of their
24 profession by a municipality or any other political
25 subdivision of the state, including a local government with

1 self-governing powers."

2 NEW SECTION. Section 4. Extension of authority. Any
3 existing authority of the board of chiropractors to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

6 NEW SECTION. Section 5. Effective date. This act is
7 effective on passage and approval.

-End-

HOUSE BILL NO. 386

INTRODUCED BY CODY, DARKO, VAUGHN

BY REQUEST OF THE BOARD OF CHIROPRACTORS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE STATUS; AMENDING SECTIONS 37-12-201, 37-12-307, AND 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-12-201, MCA, is amended to read:

"37-12-201. Organization of board -- meetings -- powers and duties. (1) The board shall elect annually a president, vice-president, and secretary-treasurer from its membership.

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

(3) The board may shall:

(a) administer oaths, take affidavits, summon witnesses, and take testimony as to matters coming within the scope of the board; ~~it shall~~

~~(b) adopt a seal which shall be affixed to licenses issued; and shall make rules necessary for the performance of its duties; it shall~~

(c) make a schedule of minimum educational requirements, which are without prejudice, partiality, or discrimination, as to the different schools of chiropractic;

(d) adopt rules necessary for the implementation, administration, continuation, and enforcement of this chapter. The rules must address but are not limited to license applications, form and display of license, license examination format, criteria for and grading of examinations, and disciplinary standards for licensees;

(e) investigate complaints;

(f) make determinations of the qualifications of applicants under this chapter;

(g) administer the examination for licensure under this chapter;

(h) collect fees and charges prescribed in this chapter; and

(i) issue, suspend, or revoke licenses under the conditions prescribed in this chapter.

(4) The department shall keep a record of the proceedings of the board which shall at all times be open to public inspection."



1 Section 2. Section 37-12-307, MCA, is amended to read:

2 "37-12-307. Annual renewal of license -- fee fees --
 3 continuing education required -- inactive status. (1) A
 4 license expires on September 1 of each year and shall be
 5 renewed by the department on payment of a renewal fee, as
 6 set by the board, and the presentation of evidence
 7 satisfactory to the board that the licensee, in the year
 8 preceding the application for renewal, attended and
 9 successfully completed a postgraduate educational program
 10 for chiropractors approved by the board. All applicants for
 11 renewal who have not paid the renewal fee prior to October 1
 12 of each year shall pay an additional late fee prescribed by
 13 the board.

14 (2) The board shall by rule set standards for inactive
 15 status. It shall charge an annual fee for a license placed
 16 on inactive status.

17 (3) An inactive license may be reinstated to active
 18 status upon payment of a fee and completion of the
 19 continuing education requirements set by the board."

20 Section 3. Section 37-12-309, MCA, is amended to read:

21 "37-12-309. Municipal license fee prohibited. No
 22 license fee or license tax may be imposed upon doctors of
 23 chiropractic as a condition to the practice of their
 24 profession by a municipality or any other political
 25 subdivision of the state, including a local government with

1 self-governing powers."

2 NEW SECTION. Section 4. Extension of authority. Any
 3 existing authority of the board of chiropractors to make
 4 rules on the subject of the provisions of this act is
 5 extended to the provisions of this act.

6 NEW SECTION. Section 5. Effective date. This act is
 7 effective on passage and approval.

-End-

PROPOSED GOVERNOR'S AMENDMENT

TO HOUSE BILL 386

REFERENCE COPY

1. Title, line 5.
Following: "ENTITLED: "AN ACT"
Insert: "TO ALLOW THE BOARD OF CHIROPRACTORS TO
HOLD MORE THAN FOUR MEETINGS A YEAR;"
2. Title, line 6.
Following: "BOARD"
Strike: "OF CHIROPRACTORS"
3. Title, line 8.
Following: "STATUS;"
Insert: "PROHIBITING LOCAL GOVERNMENTS WITH
SELF-GOVERNING POWERS FROM IMPOSING
LICENSING FEES OR TAXES ON CHIROPRACTORS;"

-end-

HOUSE BILL NO. 386

INTRODUCED BY CODY, DARKO, VAUGHN
BY REQUEST OF THE BOARD OF CHIROPRACTORS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE BOARD OF CHIROPRACTORS TO HOLD MORE THAN FOUR MEETINGS A YEAR; TO CLARIFY THE RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE STATUS; PROHIBITING LOCAL GOVERNMENTS WITH SELF-GOVERNING POWERS FROM IMPOSING LICENSING FEES OR TAXES ON CHIROPRACTORS; AMENDING SECTIONS 37-12-201, 37-12-307, AND 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-12-201, MCA, is amended to read:

"37-12-201. Organization of board -- meetings -- powers and duties. (1) The board shall elect annually a president, vice-president, and secretary-treasurer from its membership.

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

(3) The board ~~may~~ shall:

(a) administer oaths, take affidavits, summon witnesses, and take testimony as to matters coming within the scope of the board; ~~it shall~~

(b) adopt a seal which shall be affixed to licenses issued; ~~and--shall make rules necessary for the performance of its duties--it shall~~

(c) make a schedule of minimum educational requirements, which are without prejudice, partiality, or discrimination, as to the different schools of chiropractic;

(d) adopt rules necessary for the implementation, administration, continuation, and enforcement of this chapter. The rules must address but are not limited to license applications, form and display of license, license examination format, criteria for and grading of examinations, and disciplinary standards for licensees;

(e) investigate complaints;

(f) make determinations of the qualifications of applicants under this chapter;

(g) administer the examination for licensure under this chapter;

(h) collect fees and charges prescribed in this chapter; and

(i) issue, suspend, or revoke licenses under the



1 conditions prescribed in this chapter.

2 (4) The department shall keep a record of the
3 proceedings of the board which shall at all times be open to
4 public inspection."

5 Section 2. Section 37-12-307, MCA, is amended to read:

6 "37-12-307. Annual renewal of license -- fee fees --
7 continuing education required -- inactive status. (1) A
8 license expires on September 1 of each year and shall be
9 renewed by the department on payment of a renewal fee, as
10 set by the board, and the presentation of evidence
11 satisfactory to the board that the licensee, in the year
12 preceding the application for renewal, attended and
13 successfully completed a postgraduate educational program
14 for chiropractors approved by the board. All applicants for
15 renewal who have not paid the renewal fee prior to October 1
16 of each year shall pay an additional late fee prescribed by
17 the board.

18 (2) The board shall by rule set standards for inactive
19 status. It shall charge an annual fee for a license placed
20 on inactive status.

21 (3) An inactive license may be reinstated to active
22 status upon payment of a fee and completion of the
23 continuing education requirements set by the board."

24 Section 3. Section 37-12-309, MCA, is amended to read:

25 "37-12-309. Municipal license fee prohibited. No

1 license fee or license tax may be imposed upon doctors of
2 chiropractic as a condition to the practice of their
3 profession by a municipality or any other political
4 subdivision of the state, including a local government with
5 self-governing powers."

6 NEW SECTION. Section 4. Extension of authority. Any
7 existing authority of the board of chiropractors to make
8 rules on the subject of the provisions of this act is
9 extended to the provisions of this act.

10 NEW SECTION. Section 5. Effective date. This act is
11 effective on passage and approval.

-End-