

HOUSE BILL NO. 37  
INTRODUCED BY COHEN

IN THE HOUSE

DECEMBER 30, 1988	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
JANUARY 2, 1989	FIRST READING.
JANUARY 7, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 9, 1989	PRINTING REPORT.
JANUARY 10, 1989	SECOND READING, DO PASS AS AMENDED.
JANUARY 11, 1989	ENGROSSING REPORT.
JANUARY 12, 1989	THIRD READING, PASSED. AYES, 94; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 23, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 26, 1989	SECOND READING, CONCURRED IN AS AMENDED.
JANUARY 28, 1989	THIRD READING, CONCURRED IN. AYES, 43; NOES, 1.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

FEBRUARY 7, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

FEBRUARY 8, 1989

THIRD READING, AMENDMENTS  
CONCURRED IN.  
AYES, 94; NOES, 3.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 37INTRODUCED BY COHEN

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES BE A PHYSICIAN; AMENDING SECTIONS 2-15-2101 AND 33-31-102, MCA; REPEALING SECTION 2-15-2102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

**Section 1.** Section 2-15-2101, MCA, is amended to read:

"2-15-2101. Department of health and environmental sciences -- head. There is a department of health and environmental sciences. The department head is the director of health and environmental sciences appointed by the governor in accordance with 2-15-111 ~~and in addition shall have the qualifications required in 2-15-2102.~~"

**Section 2.** Section 33-31-102, MCA, is amended to read:

"33-31-102. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Agent" means an individual, partnership, or corporation appointed or authorized by a health maintenance organization to solicit applications for health care

services agreements on its behalf.

(2) "Basic health care services" means:

(a) consultative, diagnostic, therapeutic, and referral services by a provider;

(b) inpatient hospital and provider care;

(c) outpatient medical services;

(d) medical treatment and referral services;

(e) accident and sickness services by a provider to each newborn infant of an enrollee pursuant to 33-31-301(3)(e);

(f) care and treatment of mental illness, alcoholism, and drug addiction;

(g) diagnostic laboratory and diagnostic and therapeutic radiologic services; and

(h) preventive health services, including:

(i) immunizations;

(ii) well-child care from birth;

(iii) periodic health evaluations for adults;

(iv) voluntary family planning services;

(v) infertility services; and

(vi) children's eye and ear examinations conducted to determine the need for vision and hearing correction.

(3) "Commissioner" means the commissioner of insurance of the state of Montana.

(4) "Department of health" means the department of

1 health and environmental sciences provided for in 2-15-2101.

2 (5) "Director" means the director of the department of  
3 health and environmental sciences provided for in ~~2-15-2102~~  
4 2-15-2101.

5 (6) "Enrollee" means a person:

6 (a) who enrolls in or contracts with a health  
7 maintenance organization;

8 (b) on whose behalf a contract is made with a health  
9 maintenance organization to receive health care services; or

10 (c) on whose behalf the health maintenance  
11 organization contracts to receive health care services.

12 (7) "Evidence of coverage" means a certificate,  
13 agreement, policy, or contract issued to an enrollee setting  
14 forth the coverage to which the enrollee is entitled.

15 (8) "Health care services" means:

16 (a) the services included in furnishing medical or  
17 dental care to a person;

18 (b) the services included in hospitalizing a person;

19 (c) the services incident to furnishing medical or  
20 dental care or hospitalization; or

21 (d) the services included in furnishing to a person  
22 other services for the purpose of preventing, alleviating,  
23 curing, or healing illness, injury, or physical disability.

24 (9) "Health care services agreement" means an  
25 agreement for health care services between a health

1 maintenance organization and an enrollee.

2 (10) "Health maintenance organization" means a person  
3 who provides or arranges for basic health care services to  
4 enrollees on a prepaid or other financial basis, either  
5 directly through provider employees or through contractual  
6 or other arrangements with a provider or a group of  
7 providers.

8 (11) "Person" means:

9 (a) an individual;

10 (b) a group of individuals;

11 (c) an insurer, as defined in 33-1-201;

12 (d) a health service corporation, as defined in  
13 33-30-101;

14 (e) a corporation, partnership, facility, association,  
15 or trust; or

16 (f) an institution of a governmental unit of any state  
17 licensed by that state to provide health care, including but  
18 not limited to a physician, hospital, hospital-related  
19 facility, or long-term care facility.

20 (12) "Plan" means a health maintenance organization  
21 operated by an insurer or health service corporation as an  
22 integral part of the corporation and not as a subsidiary.

23 (13) "Provider" means a physician, hospital,  
24 hospital-related facility, long-term care facility, dentist,  
25 osteopath, chiropractor, optometrist, podiatrist,

1 psychologist, licensed social worker, registered pharmacist,  
2 or nurse specialist as specifically listed in 37-8-202 who  
3 treats any illness or injury within the scope and  
4 limitations of his practice or any other person who is  
5 licensed or otherwise authorized in this state to furnish  
6 health care services.

7 (14) "Uncovered expenditures" mean the costs of health  
8 care services that are covered by a health maintenance  
9 organization and for which an enrollee is liable if the  
10 health maintenance organization becomes insolvent."

11 **Section 3. Repealer.** Section 2-15-2102, MCA, is  
12 repealed.

13 **Section 4. Effective date.** [This act] is effective on  
14 passage and approval.

15 **Section 5. Retroactive applicability.** [This act]  
16 applies retroactively, within the meaning of 1-2-109, to a  
17 director of health and environmental sciences appointed on  
18 or after January 2, 1989.

-End-

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

1                    HOUSE BILL NO. 37  
2    INTRODUCED BY COHEN  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE  
5    REQUIREMENT THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH  
6    AND ENVIRONMENTAL SCIENCES BE A PHYSICIAN; AMENDING SECTIONS  
7    2-15-2101 AND 33-31-102, MCA; REPEALING SECTION 2-15-2102,  
8    MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A  
9    RETROACTIVE APPLICABILITY DATE."

10

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

12            **Section 1.** Section 2-15-2101, MCA, is amended to read:

13            "2-15-2101. Department of health and environmental  
14    sciences -- head. There is a department of health and  
15    environmental sciences. The department head is the director  
16    of health and environmental sciences appointed by the  
17    governor in accordance with 2-15-111 and ~~in addition shall~~  
18    ~~have the qualifications required in 2-15-2102.~~"

19            **Section 2.** Section 33-31-102, MCA, is amended to read:

20            "33-31-102. Definitions. As used in this chapter,  
21    unless the context requires otherwise, the following  
22    definitions apply:

23            (1) "Agent" means an individual, partnership, or  
24    corporation appointed or authorized by a health maintenance  
25    organization to solicit applications for health care

1    services agreements on its behalf.

2            (2) "Basic health care services" means:

3            (a) consultative, diagnostic, therapeutic, and  
4    referral services by a provider;

5            (b) inpatient hospital and provider care;

6            (c) outpatient medical services;

7            (d) medical treatment and referral services;

8            (e) accident and sickness services by a provider to  
9    each newborn infant of an enrollee pursuant to  
10    33-31-301(3)(e);

11            (f) care and treatment of mental illness, alcoholism,  
12    and drug addiction;

13            (g) diagnostic laboratory and diagnostic and  
14    therapeutic radiologic services; and

15            (h) preventive health services, including:

16            (i) immunizations;

17            (ii) well-child care from birth;

18            (iii) periodic health evaluations for adults;

19            (iv) voluntary family planning services;

20            (v) infertility services; and

21            (vi) children's eye and ear examinations conducted to  
22    determine the need for vision and hearing correction.

23            (3) "Commissioner" means the commissioner of insurance  
24    of the state of Montana.

25            (4) "Department of health" means the department of

1 health and environmental sciences provided for in 2-15-2101.

2 (5) "Director" means the director of the department of  
3 health and environmental sciences provided for in ~~2-15-2102~~  
4 2-15-2101.

5 (6) "Enrollee" means a person:

6 (a) who enrolls in or contracts with a health  
7 maintenance organization;

8 (b) on whose behalf a contract is made with a health  
9 maintenance organization to receive health care services; or

10 (c) on whose behalf the health maintenance  
11 organization contracts to receive health care services.

12 (7) "Evidence of coverage" means a certificate,  
13 agreement, policy, or contract issued to an enrollee setting  
14 forth the coverage to which the enrollee is entitled.

15 (8) "Health care services" means:

16 (a) the services included in furnishing medical or  
17 dental care to a person;

18 (b) the services included in hospitalizing a person;

19 (c) the services incident to furnishing medical or  
20 dental care or hospitalization; or

21 (d) the services included in furnishing to a person  
22 other services for the purpose of preventing, alleviating,  
23 curing, or healing illness, injury, or physical disability.

24 (9) "Health care services agreement" means an  
25 agreement for health care services between a health

1 maintenance organization and an enrollee.

2 (10) "Health maintenance organization" means a person  
3 who provides or arranges for basic health care services to  
4 enrollees on a prepaid or other financial basis, either  
5 directly through provider employees or through contractual  
6 or other arrangements with a provider or a group of  
7 providers.

8 (11) "Person" means:

9 (a) an individual;

10 (b) a group of individuals;

11 (c) an insurer, as defined in 33-1-201;

12 (d) a health service corporation, as defined in  
13 33-30-101;

14 (e) a corporation, partnership, facility, association,  
15 or trust; or

16 (f) an institution of a governmental unit of any state  
17 licensed by that state to provide health care, including but  
18 not limited to a physician, hospital, hospital-related  
19 facility, or long-term care facility.

20 (12) "Plan" means a health maintenance organization  
21 operated by an insurer or health service corporation as an  
22 integral part of the corporation and not as a subsidiary.

23 (13) "Provider" means a physician, hospital,  
24 hospital-related facility, long-term care facility, dentist,  
25 osteopath, chiropractor, optometrist, podiatrist,

1 psychologist, licensed social worker, registered pharmacist,  
2 or nurse specialist as specifically listed in 37-8-202 who  
3 treats any illness or injury within the scope and  
4 limitations of his practice or any other person who is  
5 licensed or otherwise authorized in this state to furnish  
6 health care services.

7 (14) "Uncovered expenditures" mean the costs of health  
8 care services that are covered by a health maintenance  
9 organization and for which an enrollee is liable if the  
10 health maintenance organization becomes insolvent."

11 **Section 3. Repealer.** Section 2-15-2102, MCA, is  
12 repealed.

13 **Section 4. Effective date.** [This act] is effective on  
14 passage and approval.

15 **Section 5. Retroactive applicability.** [This act]  
16 applies retroactively, within the meaning of 1-2-109, to a  
17 director of health and environmental sciences appointed on  
18 or after January 2, 1989.

-End-



## HOUSE BILL NO. 37

INTRODUCED BY COHEN

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES BE A PHYSICIAN; REQUIRING THE DIRECTOR TO CONSULT WITH APPROPRIATE HEALTH CARE PROFESSIONALS IN MATTERS AFFECTING PUBLIC HEALTH; REQUIRING ONE MEMBER OF THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO BE A DOCTOR OF MEDICINE LICENSED BY THE BOARD OF MEDICAL EXAMINERS; AMENDING SECTIONS 2-15-2101, 2-15-2104, AND 33-31-102, MCA; REPEALING SECTION 2-15-2102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

**Section 1.** Section 2-15-2101, MCA, is amended to read:

"2-15-2101. Department of health and environmental sciences -- head. There is a department of health and environmental sciences. The department head is the director of health and environmental sciences appointed by the governor in accordance with 2-15-111 ~~and in addition shall have the qualifications required in 2-15-2102.~~ THE DIRECTOR SHALL CONSULT WITH APPROPRIATE HEALTH CARE PROFESSIONALS IN MATTERS AFFECTING PUBLIC HEALTH."

**SECTION 2. SECTION 2-15-2104, MCA, IS AMENDED TO READ:**

"2-15-2104. Board of health and environmental sciences -- membership -- quasi-judicial. (1) There is a board of health and environmental sciences.

(2) The board consists of seven members appointed by the governor as follows:

(a) two members having professional qualifications in a human health service licensed by a board within a department of professional and occupational licenses, one of whom must be a doctor of medicine licensed by the board of medical examiners;

(b) one member being a doctor of veterinary medicine licensed in this state who is engaged in food animal medicine; and

(c) four members who do not have the qualifications described in subsection (2)(a) or (2)(b) and who have demonstrated an active interest in the field of public health and the economic welfare of the state.

(3) The board is designated as a quasi-judicial board for purposes of 2-15-124."

**Section 3.** Section 33-31-102, MCA, is amended to read:

"33-31-102. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Agent" means an individual, partnership, or

1 corporation appointed or authorized by a health maintenance  
2 organization to solicit applications for health care  
3 services agreements on its behalf.

4 (2) "Basic health care services" means:

5 (a) consultative, diagnostic, therapeutic, and  
6 referral services by a provider;

7 (b) inpatient hospital and provider care;

8 (c) outpatient medical services;

9 (d) medical treatment and referral services;

10 (e) accident and sickness services by a provider to  
11 each newborn infant of an enrollee pursuant to  
12 33-31-301(3)(e);

13 (f) care and treatment of mental illness, alcoholism,  
14 and drug addiction;

15 (g) diagnostic laboratory and diagnostic and  
16 therapeutic radiologic services; and

17 (h) preventive health services, including:

18 (i) immunizations;

19 (ii) well-child care from birth;

20 (iii) periodic health evaluations for adults;

21 (iv) voluntary family planning services;

22 (v) infertility services; and

23 (vi) children's eye and ear examinations conducted to  
24 determine the need for vision and hearing correction.

25 (3) "Commissioner" means the commissioner of insurance

1 of the state of Montana.

2 (4) "Department of health" means the department of  
3 health and environmental sciences provided for in 2-15-2101.

4 (5) "Director" means the director of the department of  
5 health and environmental sciences provided for in ~~2-15-2102~~  
6 2-15-2101.

7 (6) "Enrollee" means a person:

8 (a) who enrolls in or contracts with a health  
9 maintenance organization;

10 (b) on whose behalf a contract is made with a health  
11 maintenance organization to receive health care services; or

12 (c) on whose behalf the health maintenance  
13 organization contracts to receive health care services.

14 (7) "Evidence of coverage" means a certificate,  
15 agreement, policy, or contract issued to an enrollee setting  
16 forth the coverage to which the enrollee is entitled.

17 (8) "Health care services" means:

18 (a) the services included in furnishing medical or  
19 dental care to a person;

20 (b) the services included in hospitalizing a person;

21 (c) the services incident to furnishing medical or  
22 dental care or hospitalization; or

23 (d) the services included in furnishing to a person  
24 other services for the purpose of preventing, alleviating,  
25 curing, or healing illness, injury, or physical disability.

(9) "Health care services agreement" means an agreement for health care services between a health maintenance organization and an enrollee.

(10) "Health maintenance organization" means a person who provides or arranges for basic health care services to enrollees on a prepaid or other financial basis, either directly through provider employees or through contractual or other arrangements with a provider or a group of providers.

(11) "Person" means:

(a) an individual;

(b) a group of individuals;

(c) an insurer, as defined in 33-1-201;

(d) a health service corporation, as defined in 33-30-101;

(e) a corporation, partnership, facility, association, or trust; or

(f) an institution of a governmental unit of any state licensed by that state to provide health care, including but not limited to a physician, hospital, hospital-related facility, or long-term care facility.

(12) "Plan" means a health maintenance organization operated by an insurer or health service corporation as an integral part of the corporation and not as a subsidiary.

(13) "Provider" means a physician, hospital,

hospital-related facility, long-term care facility, dentist, osteopath, chiropractor, optometrist, podiatrist, psychologist, licensed social worker, registered pharmacist, or nurse specialist as specifically listed in 37-8-202 who treats any illness or injury within the scope and limitations of his practice or any other person who is licensed or otherwise authorized in this state to furnish health care services.

(14) "Uncovered expenditures" mean the costs of health care services that are covered by a health maintenance organization and for which an enrollee is liable if the health maintenance organization becomes insolvent."

NEW SECTION. **Section 4.** Repealer. Section 2-15-2102, MCA, is repealed.

NEW SECTION. **Section 5.** Effective date. [This act] is effective on passage and approval.

NEW SECTION. **Section 6.** Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to a director of health and environmental sciences appointed on or after January 2, 1989.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

January 26, 1989 2:52 PM

Mr. President: I move to amend HB 37 (third reading copy - blue)  
as follows:

1. Title, lines 6 through 8.

Following: "PHYSICIAN;"

Strike: remainder of line 6 through "HEALTH;" on line 8

2. Page 1, lines 23 through 25.

Following: "~~2102.~~"

Strike: remainder of lines 23 through 25 in their entirety

ADOPT

REJECT

Signed: \_\_\_\_\_

  
Senator Mazurek

SENATE

cwhb37.125

## HOUSE BILL NO. 37

INTRODUCED BY COHEN

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES BE A PHYSICIAN; ~~REQUIRING--THE DIRECTOR--TO--CONSULT--WITH--APPROPRIATE--HEALTH--CARE PROFESSIONALS--IN--MATTERS--AFFECTING--PUBLIC--HEALTH;~~ REQUIRING ONE MEMBER OF THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES TO BE A DOCTOR OF MEDICINE LICENSED BY THE BOARD OF MEDICAL EXAMINERS; AMENDING SECTIONS 2-15-2101, 2-15-2104, AND 33-31-102, MCA; REPEALING SECTION 2-15-2102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

**Section 1.** Section 2-15-2101, MCA, is amended to read:

"2-15-2101. Department of health and environmental sciences -- head. There is a department of health and environmental sciences. The department head is the director of health and environmental sciences appointed by the governor in accordance with 2-15-111 ~~and in addition shall have the qualifications required in 2-15-2102.~~ THE--DIRECTOR SHALL--CONSULT--WITH--APPROPRIATE--HEALTH--CARE--PROFESSIONALS--IN MATTERS--AFFECTING--PUBLIC--HEALTH--"

**SECTION 2.** SECTION 2-15-2104, MCA, IS AMENDED TO READ:

"2-15-2104. Board of health and environmental sciences -- membership -- quasi-judicial. (1) There is a board of health and environmental sciences.

(2) The board consists of seven members appointed by the governor as follows:

(a) two members having professional qualifications in a human health service licensed by a board within a department of professional and occupational licenses, one of whom must be a doctor of medicine licensed by the board of medical examiners;

(b) one member being a doctor of veterinary medicine licensed in this state who is engaged in food animal medicine; and

(c) four members who do not have the qualifications described in subsection (2)(a) or (2)(b) and who have demonstrated an active interest in the field of public health and the economic welfare of the state.

(3) The board is designated as a quasi-judicial board for purposes of 2-15-124."

**Section 3.** Section 33-31-102, MCA, is amended to read:

"33-31-102. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Agent" means an individual, partnership, or

1 corporation appointed or authorized by a health maintenance  
2 organization to solicit applications for health care  
3 services agreements on its behalf.

4 (2) "Basic health care services" means:

5 (a) consultative, diagnostic, therapeutic, and  
6 referral services by a provider;

7 (b) inpatient hospital and provider care;

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11 each newborn infant of an enrollee pursuant to  
12 33-31-301(3)(e);

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14 and drug addiction;

15 (g) diagnostic laboratory and diagnostic and  
16 therapeutic radiologic services; and

17 (h) preventive health services, including:

18 (i) immunizations;

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24 determine the need for vision and hearing correction.

25 (3) "Commissioner" means the commissioner of insurance

1 of the state of Montana.

2 (4) "Department of health" means the department of  
3 health and environmental sciences provided for in 2-15-2101.

4 (5) "Director" means the director of the department of  
5 health and environmental sciences provided for in ~~2-15-2102~~  
6 2-15-2101.

7 (6) "Enrollee" means a person:

8 (a) who enrolls in or contracts with a health  
9 maintenance organization;

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11 maintenance organization to receive health care services; or

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15 agreement, policy, or contract issued to an enrollee setting  
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22 dental care or hospitalization; or

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24 other services for the purpose of preventing, alleviating,  
25 curing, or healing illness, injury, or physical disability.

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(11) "Person" means:

(a) an individual;

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(c) an insurer, as defined in 33-1-201;

(d) a health service corporation, as defined in 33-30-101;

(e) a corporation, partnership, facility, association, or trust; or

(f) an institution of a governmental unit of any state licensed by that state to provide health care, including but not limited to a physician, hospital, hospital-related facility, or long-term care facility.

(12) "Plan" means a health maintenance organization operated by an insurer or health service corporation as an integral part of the corporation and not as a subsidiary.

(13) "Provider" means a physician, hospital,

hospital-related facility, long-term care facility, dentist, osteopath, chiropractor, optometrist, podiatrist, psychologist, licensed social worker, registered pharmacist, or nurse specialist as specifically listed in 37-8-202 who treats any illness or injury within the scope and limitations of his practice or any other person who is licensed or otherwise authorized in this state to furnish health care services.

(14) "Uncovered expenditures" mean the costs of health care services that are covered by a health maintenance organization and for which an enrollee is liable if the health maintenance organization becomes insolvent."

**NEW SECTION. Section 4.** Repealer. Section 2-15-2102, MCA, is repealed.

**NEW SECTION. Section 5.** Effective date. [This act] is effective on passage and approval.

**NEW SECTION. Section 6.** Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to a director of health and environmental sciences appointed on or after January 2, 1989.

-End-