

HOUSE BILL 579

Introduced by Stickney, et al.

2/04	Introduced
2/06	Referred to Human Services & Aging
2/13	Hearing
2/16	Tabled in Committee

1 *House* BILL NO. *579*
 2 INTRODUCED BY *Henry Cady* *Mark Hammett*
 3 *Johnson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION
 5 OF "PRACTICE OF MEDICINE" TO INCLUDE MANAGEMENT OF PREGNANCY
 6 OR PARTURITION; AND AMENDING SECTION 37-3-102, MCA."

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

9 **Section 1.** Section 37-3-102, MCA, is amended to read:

10 **"37-3-102. Definitions.** (1) Unless the context
 11 requires otherwise, in this chapter the following
 12 definitions apply:

13 (a) "Practice of medicine" means the diagnosis,
 14 treatment, or correction of or the attempt to or the holding
 15 of oneself out as being able to diagnose, treat, or correct
 16 human conditions, ailments, diseases, injuries, or
 17 infirmities, whether physical or mental, including the
 18 management of pregnancy or parturition, by any means,
 19 methods, devices, or instrumentalities. If a person who does
 20 not possess a license to practice medicine in this state
 21 under this chapter and who is not exempt from the licensing
 22 requirements of this chapter performs acts constituting the
 23 practice of medicine, he is practicing medicine in violation
 24 of this chapter.

25 (b) "Board" means the Montana state board of medical

1 examiners provided for in 2-15-1841.

2 (c) "Department" means the department of commerce
 3 provided for in Title 2, chapter 15, part 18.

4 (2) An "approved medical school" is a school which
 5 either is accredited by the American osteopathic association
 6 or conforms to the minimum education standards established
 7 by the council on medical education of the American medical
 8 association or successors for medical schools or is
 9 equivalent in the sound discretion of the board. The board
 10 may, on investigation of the education standards and
 11 facilities, approve any medical school, including foreign
 12 medical schools.

13 (3) An "approved internship" is an internship training
 14 program of at least 1 year in a hospital which is either
 15 approved for intern training by the American osteopathic
 16 association or conforms to the minimum standards for intern
 17 training established by the council on medical education of
 18 the American medical association or successors. However, the
 19 board shall have the authority, upon investigation, to
 20 approve any other internship.

21 (4) An "approved residency" is a residency training
 22 program in a hospital conforming to the minimum standards
 23 for residency training established by the council on medical
 24 education of the American medical association or successors
 25 or approved for residency training by the American

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1 osteopathic association. However, the board shall have the
2 authority upon investigation to approve any other
3 residency."

4 NEW SECTION. **Section 2.** Extension of authority. Any
5 existing authority to make rules on the subject of the
6 provisions of [this act] is extended to the provisions of
7 [this act].

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