

SENATE BILL NO. 12  
INTRODUCED BY HALLIGAN

IN THE SENATE

JANUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 5, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 6, 1989	PRINTING REPORT.
JANUARY 7, 1989	SECOND READING, DO PASS.
JANUARY 9, 1989	ENGROSSING REPORT.
JANUARY 10, 1989	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN.
MARCH 6, 1989	THIRD READING, CONCURRED IN. AYES, 90; NOES, 1.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 7, 1989	RECEIVED FROM HOUSE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

## SENATE BILL NO. 12

INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE JURISDICTION OF THE MONTANA MEDICAL LEGAL PANEL TO CLAIMS AGAINST PHYSICIANS AND DENTISTS EMPLOYED BY A UNIVERSITY OR COLLEGE INFIRMARY; AMENDING SECTION 27-6-103, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**Section 1.** Section 27-6-103, MCA, is amended to read:

"27-6-103. Definitions. As used in this chapter, the following definitions apply:

(1) "Dentist" means:

(a) for purposes of the assessment of the annual surcharge, an individual licensed to practice dentistry under the provisions of Title 37, chapter 4, who at the time of the assessment:

(i) has as his principal residence or place of dental practice the state of Montana;

(ii) is not employed full-time by any federal governmental agency or entity; and

(iii) is not fully retired from the practice of dentistry; or

(b) for all other purposes, a person licensed to

practice dentistry under the provisions of Title 37, chapter 4, who at the time of the occurrence of the incident giving rise to the claim:

(i) was an individual who had as his principal residence or place of dental practice the state of Montana and was not employed full-time by any federal governmental agency or entity; or

(ii) was a professional service corporation, partnership, or other business entity organized under the laws of any state to render dental services and whose shareholders, partners, or owners were individual dentists licensed to practice dentistry under the provisions of Title 37, chapter 4.

(2) "Health care facility" means a facility (other than a ~~university--college--or~~ governmental infirmary but including a university or college infirmary) licensed as a health care facility under Title 50, chapter 5.

(3) "Health care provider" means a physician, a dentist, or a health care facility.

(4) "Hospital" means a hospital as defined in 50-5-101.

(5) "Malpractice claim" means any claim or potential claim of a claimant against a health care provider for medical or dental treatment, lack of medical or dental treatment, or other alleged departure from accepted

standards of health care which proximately results in damage to the claimant, whether the claimant's claim or potential claim sounds in tort or contract, and includes but is not limited to allegations of battery or wrongful death.

(6) "Panel" means the Montana medical legal panel provided for in 27-6-104.

(7) "Physician" means:

(a) for purposes of the assessment of the annual surcharge, an individual licensed to practice medicine under the provisions of Title 37, chapter 3, who at the time of the assessment:

(i) has as his principal residence or place of medical practice the state of Montana;

(ii) is not employed full-time by any federal governmental agency or entity; and

(iii) is not fully retired from the practice of medicine; or

(b) for all other purposes, a person licensed to practice medicine under the provisions of Title 37, chapter 3, who at the time of the occurrence of the incident giving rise to the claim:

(i) was an individual who had as his principal residence or place of medical practice the state of Montana and was not employed full-time by any federal governmental agency or entity; or

(ii) was a professional service corporation, partnership, or other business entity organized under the laws of any state to render medical services and whose shareholders, partners, or owners were individual physicians licensed to practice medicine under the provisions of Title 37, chapter 3."

**Section 2. Applicability.** [This act] applies to malpractice claims occurring on or after [the effective date of this act].

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1                    SENATE    BILL NO. 12  
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4    A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE  
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6    AGAINST PHYSICIANS AND DENTISTS EMPLOYED BY A UNIVERSITY OR  
7    COLLEGE INFIRMARY; AMENDING SECTION 27-6-103, MCA; AND  
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22            governmental agency or entity; and  
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24            dentistry; or  
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**Section 2. Applicability.** [This act] applies to malpractice claims occurring on or after [the effective date of this act].

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5 licensed to practice medicine under the provisions of Title  
6 37, chapter 3."

7 NEW SECTION. Section 2. Applicability. [This act]  
8 applies to malpractice claims occurring on or after [the  
9 effective date of this act].

-End-