

House BILL NO. 522

INTRODUCED BY

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DISABILITY INSURANCE COVERAGE FOR RESPIRATORY CARE PRACTITIONERS FOR ALL POLICIES OF DISABILITY INSURANCE, INCLUDING INDIVIDUAL, GROUP, BLANKET, AND HEALTH SERVICE CORPORATION POLICIES; INCLUDING RESPIRATORY CARE IN SERVICES INCLUDED IN HOME HEALTH CARE; CLARIFYING THE TYPES OF FACILITIES OR AGENCIES UNDER WHICH A PRACTITIONER MAY RECEIVE MEDICAL DIRECTION; AMENDING SECTIONS 33-22-111, 33-22-1001, AND 37-28-102, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**NEW SECTION. Section 1. Coverage required for services provided by licensed respiratory care practitioners.** A health service corporation shall provide, in group and individual insurance contracts, coverage for health services provided by a licensed respiratory care practitioner for health care services that respiratory care practitioners are licensed to perform.

**Section 2.** Section 33-22-111, MCA, is amended to read:

**"33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged.** (1) All policies of disability insurance, including individual, group, and blanket policies, must provide that the insured has full freedom of choice in the selection of any licensed physician, physician assistant-certified, dentist, osteopath, chiropractor, optometrist, podiatrist, psychologist, licensed social worker, licensed professional counselor, acupuncturist, respiratory care practitioner, or nurse specialist as specifically listed in 37-8-202 for treatment of any illness or injury within the scope and limitations of the person's practice. Whenever the policies insure against the expense of drugs, the insured has full freedom of choice in the selection of any licensed and registered pharmacist.

(2) This section may not be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1). This section may not be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

1           **Section 3.** Section 33-22-1001, MCA, is amended to read:

2           **"33-22-1001. Definition of home health care.** "Home health care" means services provided by a  
3 licensed home health agency to an insured in ~~his~~ the insured's place of residence that is prescribed by the  
4 insured's attending physician as part of a written plan of care. Services provided by home health care  
5 include:

- 6           (1) nursing;
- 7           (2) home health aide services;
- 8           (3) physical therapy;
- 9           (4) occupational therapy;
- 10          (5) speech therapy;
- 11          (6) hospice service;
- 12          (7) medical supplies and equipment suitable for use in the home; ~~and~~
- 13          (8) medically necessary personal hygiene, grooming, and dietary assistance; and
- 14          (9) respiratory care."

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16           **Section 4.** Section 37-28-102, MCA, is amended to read:

17           **"37-28-102. Definitions.** As used in this chapter, the following definitions apply:

- 18           (1) "Board" means the board of respiratory care practitioners established in 2-15-1860.
- 19           (2) "Qualified medical direction" means the direction of:
- 20           (a) a medical director of an inpatient or outpatient respiratory care service, an outpatient  
21 rehabilitation facility, a skilled nursing facility, a respiratory care department, a hospice, a home health  
22 agency, or a home-care agency; or
- 23           (b) a licensed physician with a special interest and knowledge about the diagnosis and treatment  
24 of respiratory problems.
- 25           (3) (a) "Respiratory care" means the care provided by a member of the allied health profession  
26 responsible for the treatment, management, diagnostic testing, and control of patients with deficiencies and  
27 abnormalities associated with the cardiopulmonary system. The term includes but is not limited to:
- 28           (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care  
29 procedures that are necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or  
30 diagnostic regimen prescribed by a physician;

1 (ii) transcription and implementation of the written or verbal orders of a physician regarding the  
2 practice of respiratory care;

3 (iii) observation and monitoring of a patient's signs and symptoms, general behavior, and physical  
4 response to respiratory care treatment and diagnostic testing, including determination of abnormal  
5 characteristics;

6 (iv) implementation of respiratory care protocols pursuant to a prescription by a physician; and

7 (v) initiation of emergency procedures prescribed by board rules.

8 (b) Respiratory care is not limited to a hospital setting but must be performed pursuant to a  
9 physician's order and under qualified medical direction. The term includes inhalation and respiratory therapy.

10 (4) "Respiratory care practitioner" means a person who has the knowledge and skill necessary to  
11 administer respiratory care and who is licensed under the provisions of part 2 of this chapter.

12 (5) "Student respiratory care practitioner" means a person:

13 (a) enrolled in a respiratory care educational program recognized by the joint review committee for  
14 respiratory therapy education and the American medical association's committee on allied health education  
15 and accreditation, or their successors;

16 (b) permitted to provide respiratory care under clinical supervision; and

17 (c) identified as a student respiratory care practitioner or "SRCP".

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19 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
20 integral part of Title 33, chapter 30, part 10, and the provisions of Title 33, chapter 30, part 10, apply to  
21 [section 1].

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23 **NEW SECTION. Section 6. Applicability.** [This act] applies to a policy or certificate of disability  
24 insurance and health service membership contract entered into or renewed on or after [the effective date  
25 of this act].

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