

SENATE BILL NO. 240

Julian
Bob Brown HARP *Beck*
Reed *Weldon* *Wenger*

1
2 INTRODUCED BY

Va. Vallenberg *Copp* *Ream*

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A RESTRICTED LICENSE TO PRACTICE MEDICINE;
5 PROVIDING QUALIFICATIONS; AMENDING SECTION 37-3-301, MCA; AND PROVIDING AN IMMEDIATE
6 EFFECTIVE DATE."

Squero *Mason* *Harding* *Tish* *Steger*
Johnson *Hledt*

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

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Section 1. Section 37-3-301, MCA, is amended to read:

"37-3-301. License required -- kinds of certificates. (1) Prior to the issuance of a license, an
11 applicant may not engage in the practice of medicine in this state.

(2) The department may issue ~~two~~ three forms of certificates of licensure under the board's seal:
14 the physician's certificate, the restricted certificate, and the temporary certificate. The physician's
15 certificate ~~shall~~ and the restricted certificate must be signed by the president, but the temporary certificate
16 may be signed by any board member. The board shall decide which certificate to issue. These certificates
17 ~~shall~~ must be designated as:

- (a) physician's certificate, which is subject to annual registration;
- (b) restricted certificate; and
- (c) temporary certificate, which is subject to specifications and limitations imposed by the board."

NEW SECTION. Section 2. Qualifications for licensure -- restricted certificate -- suspension --
23 **practice authorized.** (1) A person may not be granted a restricted license to practice medicine in this state
24 unless the person:

- (a) is of good moral character, as determined by the board;
- (b) is a graduate of an approved medical school;
- (c) is licensed and engaged in the active practice of medicine in another state or foreign country,
28 whose licensing standards are acceptable to the board;
- (d) has never been subject to license discipline in any form;
- (e) demonstrates evidence of research and publication;

1 (i) in a peer-reviewed medical journal in the English language;
2 (ii) in the 2 years preceding receipt of the application; and
3 (iii) that demonstrate the applicant's competency in the field of medicine in which the restricted
4 license is requested;

5 (f) has been accepted for privileges in a hospital pending licensure by the board;
6 (g) has demonstrated to the satisfaction of the board the applicant's knowledge, skills, and abilities
7 by providing evidence of at least one of the following criteria:

8 (i) at least 3 years' postgraduate clinical training in a formal education program;
9 (ii) board certification in a specialty recognized or certified by the American board of medical
10 specialties; or

11 (iii) passing, in the 75th percentile or higher, a board-approved state or national examination in
12 medicine, such as the United States medical licensing examination, the special purpose examination, an
13 examination given by the educational commission for foreign medical graduates, or the licensing
14 examination of another state or territory of the United States or Canada;

15 (h) has submitted a completed application file, which has been reviewed by the board, and has
16 made a personal appearance before the board; and

17 (i) is able to communicate, in the opinion of the board, in the English language. Passing an
18 examination given by the educational commission for foreign medical graduates or the test of English as
19 a foreign language constitutes prima facie evidence of ability to communicate in the English language.

20 (2) The restricted license is suspended and subject to revocation after a hearing pursuant to the
21 Montana Administrative Procedure Act upon one of the following:

22 (a) restriction, termination, or other cessation of the licensee's hospital privileges; or

23 (b) proof of one of the conditions or offenses identified in 37-3-323.

24 (3) The holder of a restricted license is limited to the practice of medicine specifically approved by
25 the board after consideration of the applicant's training, skill, and experience. All restrictions,
26 specifications, conditions, and limitations imposed by the board must be stated on the restricted certificate.

27
28 **NEW SECTION. Section 3. Codification instruction.** [Section 2] is intended to be codified as an
29 integral part of Title 37, chapter 3, part 3, and the provisions of Title 37, chapter 3, part 3, apply to
30 [section 2].

1 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

2 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0240, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a restricted license to practice medicine and providing qualifications for such license.

ASSUMPTIONS:

1. There is insufficient information available to project the number of applicants for the restricted license. Any operational costs can be absorbed in the budget recommendation contained in the Executive Budget.

FISCAL IMPACT:

There will be no fiscal impact to the Department of Commerce.

Dave Lewis 1-30-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Fred Van Valkenburg 1-30-95

FRED VAN VALKENBURG, PRIMARY SPONSOR DATE

Fiscal Note for SB0240, as introduced

SB 240

SENATE BILL NO. 240

INTRODUCED BY

Van Valkenburg *Copper* *Boyer* *HARP* *Beck*
Stettin *Kelly* *Ream* *Benedict* *Weldon* *Clayton*

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A RESTRICTED LICENSE TO PRACTICE MEDICINE; PROVIDING QUALIFICATIONS; AMENDING SECTION 37-3-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Spencer *Mason* *Harling* *Lish* *Stacy*
Johnson *Ward*

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NEW SECTION. Section 2. Qualifications for licensure -- restricted certificate -- suspension -- practice authorized. (1) A person may not be granted a restricted license to practice medicine in this state unless the person:

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- (d) has never been subject to license discipline in any form;
- (e) demonstrates evidence of research and publication:

- 1 (i) in a peer-reviewed medical journal in the English language;
- 2 (ii) in the 2 years preceding receipt of the application; and
- 3 (iii) that demonstrate the applicant's competency in the field of medicine in which the restricted
- 4 license is requested;
- 5 (f) has been accepted for privileges in a hospital pending licensure by the board;
- 6 (g) has demonstrated to the satisfaction of the board the applicant's knowledge, skills, and abilities
- 7 by providing evidence of at least one of the following criteria:
- 8 (i) at least 3 years' postgraduate clinical training in a formal education program;
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- 10 specialties; or
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- 12 medicine, such as the United States medical licensing examination, the special purpose examination, an
- 13 examination given by the educational commission for foreign medical graduates, or the licensing
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- 18 examination given by the educational commission for foreign medical graduates or the test of English as
- 19 a foreign language constitutes prima facie evidence of ability to communicate in the English language.
- 20 (2) The restricted license is suspended and subject to revocation after a hearing pursuant to the
- 21 Montana Administrative Procedure Act upon one of the following:
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HALLIGAN, REAM, BENEDICT, WELDON, ELLINGSON, SQUIRES, MERCER, HARDING, TASH, HARPER,
HIBBARD, MENAHAN

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