1	SENATE BILL NO. 310
2	INTRODUCED BY Lacoling Billing Semblert
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PHYSICIAN ASSISTANTS-CERTIFIED TO PRESCRIBE,
5	DISPENSE, AND ADMINISTER A SCHEDULE II DRUG FOR UP TO 34 DAYS; AUTHORIZING A PHYSICIAN
6	ASSISTANT-CERTIFIED AND A NUTRITIONIST WHO ARE MEMBERS OF THE BOARD OF MEDICAL
7	EXAMINERS TO VOTE ON AN ISSUE AFFECTING ANY PERSON LICENSED AND REGULATED BY THE
8	BOARD; AND AMENDING SECTIONS 2-15-1841 AND 37-20-404, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	
12	Section 1. Section 2-15-1841, MCA, is amended to read:
13	"2-15-1841. Board of medical examiners. (1) There is a Montana state board of medical examiners.
14	(2) The board consists of 11 members appointed by the governor with the consent of the senate.
15	Appointments made when the legislature is not in session may be confirmed at the next session.
16	(3) The members are:
17	(a) five members having the degree of doctor of medicine;
18	(b) one member having the degree of doctor of osteopathy;
19	(c) one member who is a licensed podiatrist;
20	(d) one member who is a licensed nutritionist;
21	(e) one member who is a licensed physician assistant-certified; and
22	(f) two members of the general public who are not medical practitioners.
23	(4) The members having the degree of doctor of medicine may not be from the same county. Each
24	member must be a citizen of the United States. Each member, except for public members, must have been
25	licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must
26	have been a resident of this state for at least 5 years.
27	(5) The member who is a licensed nutritionist may vote <del>only</del> on issues that affect the licensure and
28	regulation of nutritionists any individual licensed and regulated by the board.
29	(6) The member who is a licensed physician assistant-certified may vote only on issues that affect
30	the licensure and regulation of physician assistants certified any individual licensed and regulated by the



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1	board.
2	(7) Members shall serve staggered 4-year terms. A term commences on September 1 of each year
3	of appointment. A member may, upon notice and hearing, be removed by the governor for neglect of duty,
4	incompetence, or unprofessional or dishonorable conduct.
5	(8) The board is allocated to the department for administrative purposes only as prescribed in
6	2-15-121."
7	
8	Section 2. Section 37-20-404, MCA, is amended to read:
9	"37-20-404. Prescribing and dispensing authority discretion of supervising physician on limitation
10	of authority. (1) A physician assistant-certified may prescribe, dispense, and administer drugs to the extent
11	authorized by the board by rule, by the utilization plan, or both. The prescribing, dispensing, and
12	administration of drugs are also subject to the authority of the supervising physician, and the supervising
13	physician may impose additional limitations on the prescribing and dispensing authority granted by the
14	board.
15	(2) All dispensing activities allowed by this section must comply with 37-2-104 and with packaging
16	and labeling guidelines developed by the board of pharmacy under Title 37, chapter 7.
17	(3) The prescribing and dispensing authority granted a physician assistant-certified may include the
18	following:
19	(a) Prescribing, dispensing, and administration of Schedule III drugs listed in 50-32-226, Schedule
20	IV drugs listed in 50-32-229, and Schedule V drugs listed in 50-32-232, is authorized.
21	(b) Prescribing, dispensing, and administration of Schedule II drugs listed in 50-32-224 may be
22	authorized for limited periods not to exceed <del>72 hours</del> <u>34 days</u> .
23	(c) Records on the dispensing and administration of scheduled drugs must be kept.
24	(d) A physician assistant-certified shall maintain registration with the federal drug enforcement
25	administration.
26	(e) Prescriptions written by physician assistants-certified must comply with regulations relating to
27	prescription requirements adopted by the board of pharmacy.
28	(f) The board shall adopt rules regarding the refilling of prescriptions written by physician
29	assistants-certified."
30	-END-
	- 2 - Montana Legislative Council

APPROVED BY COM ON PUBLIC HEALTH, WELFARE & SAFETY

1	SENATE BILL NO. 310
2	INTRODUCED BY JACOBSON, BOHLINGER, BENEDICT, T. NELSON
3	
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5	DISPENSE, AND ADMINISTER A SCHEDULE II DRUG FOR UP TO 34 DAYS; AUTHORIZING GRANTING A
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7	MEDICAL EXAMINERS TO VOTE ON AN ISSUE AFFECTING ANY PERSON LICENSED AND REGULATED
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20	(d) one member who is a licensed nutritionist;
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22	(f) two members of the general public who are not medical practitioners.
23	(4) The members having the degree of doctor of medicine may not be from the same county. Each
24	member must be a citizen of the United States. Each member, except for public members, must have been
25	licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must
26	have been a resident of this state for at least 5 years.
27	(5) The member who is a licensed nutritionist may vote only on issues that affect the licensure and
28	regulation of nutritionists any individual licensed and regulated by the board.
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2     INTRODUCED BY JACOBSON, BOHLINGER, BENEDICT, T. NELSON       3     ABILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PHYSICIAN ASSISTANTS-CERTIFIED TO PRESCRIBE,       5     DISPENSE, AND ADMINISTER A SCHEDULE II DRUG FOR UP TO 34 DAYS; AUTHORIZING GRANTING A       6     PHYSICIAN ASSISTANT-CERTIFIED AND A NUTRITIONIST WHO ARE MEMBERS OF THE BOARD OF       7     MEDICAL EXAMINERS TO VOTE ON AN ISSUE AFFECTING ANY PERSON LICENSED AND REGULATED       8     BY THE BOARD FULL VOTING RIGHTS; AND AMENDING SECTIONS 2-15-1841 AND 37-20-404, MCA."       9     BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:       11     1       12     Section 1. Section 2-15-1841, MCA, is amended to read:       13     "2-15-1841. Board of medical examiners. (1) There is a Montana state board of medical examiners.       14     (2) The board consists of 11 members appointed by the governor with the consent of the senate.       15     Appointments made when the legislature is not in session may be confirmed at the next session.       16     (3) The members are:       17     (a) five member having the degree of doctor of medicine;       18     (b) one member who is a licensed podiatrist;       20     (d) one member who is a licensed podiatrist;       21     (e) one member who is a licensed podiatrist;       22     (f) two members of the general public who are not medical practioners.       23     (h) The members are for at least 5 years.	1	SENATE BILL NO. 310
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<ul> <li>(b) one member having the degree of doctor of osteopathy;</li> <li>(c) one member who is a licensed podiatrist;</li> <li>(d) one member who is a licensed nutritionist;</li> <li>(e) one member who is a licensed physician assistant-certified; and</li> <li>(f) two members of the general public who are not medical practitioners.</li> <li>(4) The members having the degree of doctor of medicine may not be from the same county. Each</li> <li>member must be a citizen of the United States. Each member, except for public members, must have been</li> <li>licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must</li> <li>have been a resident of this state for at least 5 years.</li> <li>(5) The member who is a licensed physician assistant outritionist may vote only on issues that affoot the licensure and</li> <li>rogulation of nutritionista <u>any individual licensed and rogulated by the board</u>.</li> <li>(5) The member who is a licensed physician assistant outrified may vote only on issues that affoot</li> </ul>	16	(3) The members are:
<ul> <li>(c) one member who is a licensed podiatrist;</li> <li>(d) one member who is a licensed nutritionist;</li> <li>(e) one member who is a licensed physician assistant-certified; and</li> <li>(f) two members of the general public who are not medical practitioners.</li> <li>(4) The members having the degree of doctor of medicine may not be from the same county. Each</li> <li>member must be a citizen of the United States. Each member, except for public members, must have been</li> <li>licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must</li> <li>have been a resident of this state for at least 5 years.</li> <li>(5) The member who is a licensed physician assistant certified may vote only on issues that affect</li> <li>(6) The member who is a licensed physician assistant certified may vote only on issues that affect</li> </ul>	17	(a) five members having the degree of doctor of medicine;
<ul> <li>(d) one member who is a licensed nutritionist;</li> <li>(e) one member who is a licensed physician assistant-certified; and</li> <li>(f) two members of the general public who are not medical practitioners.</li> <li>(4) The members having the degree of doctor of medicine may not be from the same county. Each</li> <li>member must be a citizen of the United States. Each member, except for public members, must have been</li> <li>licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must</li> <li>have been a resident of this state for at least 5 years.</li> <li>(5) The member who is a licensed physician assistant certified may vote only on issues that affect</li> <li>(6) The member who is a licensed physician assistant certified may vote only on issues that affect</li> </ul>	18	(b) one member having the degree of doctor of osteopathy;
<ul> <li>(e) one member who is a licensed physician assistant-certified; and</li> <li>(f) two members of the general public who are not medical practitioners.</li> <li>(4) The members having the degree of doctor of medicine may not be from the same county. Each</li> <li>member must be a citizen of the United States. Each member, except for public members, must have been</li> <li>licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must</li> <li>have been a resident of this state for at least 5 years.</li> <li>(5) The member who is a licensed nutritionist may vote only on issues that affoct the licensure and</li> <li>regulation of nutritioniste any individual licensed and regulated by the board.</li> <li>(6) The member who is a licensed physician assistant certified may vote only on issues that affoct</li> </ul>	19	(c) one member who is a licensed podiatrist;
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24 member must be a citizen of the United States. Each member, except for public members, must have been 25 licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must 26 have been a resident of this state for at least 5 years. 27 (5). The member who is a licensed nutritionist may vote only on issues that affect the licensure and 28 regulation of nutritionists <u>any individual licensed and regulated by the board</u> . 29 (6). The member who is a licensed physician assistant certified may vote only on issues that affect	22	(f) two members of the general public who are not medical practitioners.
<ul> <li>licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must</li> <li>have been a resident of this state for at least 5 years.</li> <li>(5) The member whe is a licensed nutritionist may vote only on issues that affect the licensure and</li> <li>regulation of nutritionists any individual licensed and regulated by the board.</li> <li>(6) The member who is a licensed physician assistant certified may vote only on issues that affect</li> </ul>	23	(4) The members having the degree of doctor of medicine may not be from the same county. Each
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1	board-
2	(7)(5) Members shall serve staggered 4-year terms. A term commences on September 1 of each
3	year of appointment. A member may, upon notice and hearing, be removed by the governor for neglect of
4	duty, incompetence, or unprofessional or dishonorable conduct.
5	(8)(6) The board is allocated to the department for administrative purposes only as prescribed in
6	2-15-121."
7	
8	Section 2. Section 37-20-404, MCA, is amended to read:
9	"37-20-404. Prescribing and dispensing authority discretion of supervising physician on limitation
10	of authority. (1) A physician assistant-certified may prescribe, dispense, and administer drugs to the extent
11	authorized by the board by rule, by the utilization plan, or both. The prescribing, dispensing, and
12	administration of drugs are also subject to the authority of the supervising physician, and the supervising
13	physician may impose additional limitations on the prescribing and dispensing authority granted by the
14	board.
15	(2) All dispensing activities allowed by this section must comply with 37-2-104 and with packaging
16	and labeling guidelines developed by the board of pharmacy under Title 37, chapter 7.
17	(3) The prescribing and dispensing authority granted a physician assistant-certified may include the
18	following:
19	(a) Prescribing, dispensing, and administration of Schedule III drugs listed in 50-32-226, Schedule
20	IV drugs listed in 50-32-229, and Schedule V drugs listed in 50-32-232, is authorized.
21	(b) Prescribing, dispensing, and administration of Schedule II drugs listed in 50-32-224 may be
22	authorized for limited periods not to exceed 72-houre 34 days.
23	(c) Records on the dispensing and administration of scheduled drugs must be kept.
24	(d) A physician assistant-certified shall maintain registration with the federal drug enforcement
25	administration.
26	(e) Prescriptions written by physician assistants-certified must comply with regulations relating to
27	prescription requirements adopted by the board of pharmacy.
28	(f) The board shall adopt rules regarding the refilling of prescriptions written by physician
2 <del>9</del>	assistants-certified."
30	-END-



- 2 -

1	SENATE BILL NO. 310
2	INTRODUCED BY JACOBSON, BOHLINGER, BENEDICT, T. NELSON
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PHYSICIAN ASSISTANTS-CERTIFIED TO PRESCRIBE,
5	DISPENSE, AND ADMINISTER A SCHEDULE II DRUG FOR UP TO 34 DAYS; AUTHORIZING GRANTING A
6	PHYSICIAN ASSISTANT-CERTIFIED AND A NUTRITIONIST WHO ARE MEMBERS OF THE BOARD OF
7	MEDICAL EXAMINERS TO VOTE ON AN ISSUE AFFECTING ANY PERSON LICENSED AND REGULATED
8	BY THE BOARD FULL VOTING RIGHTS; AND AMENDING SECTIONS 2-15-1841 AND 37-20-404, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	
12	Section 1. Section 2-15-1841, MCA, is amended to read:
13	"2-15-1841. Board of medical examiners. (1) There is a Montana state board of medical examiners.
14	(2) The board consists of 11 members appointed by the governor with the consent of the senate.
15	Appointments made when the legislature is not in session may be confirmed at the next session.
16	(3) The members are:
17	(a) five members having the degree of doctor of medicine;
18	(b) one member having the degree of doctor of osteopathy;
19	(c) one member who is a licensed podiatrist;
20	(d) one member who is a licensed nutritionist;
21	(e) one member who is a licensed physician assistant-certified; and
22	(f) two members of the general public who are not medical practitioners.
23	(4) The members having the degree of doctor of medicine may not be from the same county. Each
24	member must be a citizen of the United States. Each member, except for public members, must have been
25	licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must
26	have been a resident of this state for at least 5 years.
27	(5) . The member who is a licensed nutritionist may vote only on issues that affect the licensure and
28	rogulation of nutritionists any individual licensed and regulated by the board.
29	(6) The member who is a licensed physician assistant certified may vote only on issues that affect
30	the licensure and regulation of physician assistants cortified <u>any individual licensed and regulated by the</u>



SB0310.02

1	board-
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5	(8)(6) The board is allocated to the department for administrative purposes only as prescribed in
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27	prescription requirements adopted by the board of pharmacy.
28	(f) The board shall adopt rules regarding the refilling of prescriptions written by physician
29	assistants-certified."
<b>30</b>	-END-



- 2 -