

SENATE BILL NO. 310

INTRODUCED BY

Jason Billings *Samuel*
Tom Wilson

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PHYSICIAN ASSISTANTS-CERTIFIED TO PRESCRIBE, DISPENSE, AND ADMINISTER A SCHEDULE II DRUG FOR UP TO 34 DAYS; AUTHORIZING A PHYSICIAN ASSISTANT-CERTIFIED AND A NUTRITIONIST WHO ARE MEMBERS OF THE BOARD OF MEDICAL EXAMINERS TO VOTE ON AN ISSUE AFFECTING ANY PERSON LICENSED AND REGULATED BY THE BOARD; AND AMENDING SECTIONS 2-15-1841 AND 37-20-404, MCA."

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

Section 1. Section 2-15-1841, MCA, is amended to read:

"2-15-1841. Board of medical examiners. (1) There is a Montana state board of medical examiners.

(2) The board consists of 11 members appointed by the governor with the consent of the senate.

Appointments made when the legislature is not in session may be confirmed at the next session.

(3) The members are:

(a) five members having the degree of doctor of medicine;

(b) one member having the degree of doctor of osteopathy;

(c) one member who is a licensed podiatrist;

(d) one member who is a licensed nutritionist;

(e) one member who is a licensed physician assistant-certified; and

(f) two members of the general public who are not medical practitioners.

(4) The members having the degree of doctor of medicine may not be from the same county. Each member must be a citizen of the United States. Each member, except for public members, must have been licensed and must have practiced medicine or dietetics-nutrition in this state for at least 5 years and must have been a resident of this state for at least 5 years.

(5) The member who is a licensed nutritionist may vote ~~only~~ on issues that affect the licensure and regulation of ~~nutritionists~~ any individual licensed and regulated by the board.

(6) The member who is a licensed physician assistant-certified may vote ~~only~~ on issues that affect the licensure and regulation of ~~physician assistants-certified~~ any individual licensed and regulated by the

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 ~~72 hours~~ 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
29 assistants-certified."

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