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SB BILL NO. 169

INTRODUCED BY T. Lewis

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE NUMBER OF HOURS OF CONTINUING EDUCATION THAT A BOARD MAY REQUIRE OF A LICENSEE UNLESS THE LICENSEE IS A MEDICAL PRACTITIONER OR A PUBLIC ACCOUNTANT; AND AMENDING SECTIONS 37-1-306, 37-11-201, 37-16-407, AND 37-67-315, MCA."

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

Section 1. Section 37-1-306, MCA, is amended to read:

"37-1-306. Continuing education. (1) Subject to the provisions in subsection (2), A a board may require licensees to participate in flexible, cost-efficient, effective, and geographically accessible continuing education.

(2) Except for a medical practitioner or a person engaged in the practice of public accounting, a board regulated under this title may not require a licensee to complete or participate in continuing education in excess of 8 hours a year."

Section 2. Section 37-11-201, MCA, is amended to read:

"37-11-201. General powers -- rulemaking power -- records. (1) The board may:

- (a) adopt rules to carry this chapter into effect;
- (b) grant, suspend, and revoke licenses;
- (c) issue subpoenas requiring the attendance of witnesses or the production of books and papers;
- (d) take any other disciplinary action necessary to protect the public.

(2) The board shall:

- (a) examine applicants for licenses three times a year at reasonable places and times determined by the board;
- (b) review the qualifications of applicants who are approved for examination for licensure;
- (c) conduct written examinations that measure the qualifications of individual applicants along with any oral or practical examinations when determined by the board to be appropriate; and

1 (d) adopt rules to establish continuing education requirements of ~~at least 20~~ not more than 16
2 hours biennially for license renewal for physical therapists and assistants.

3 (3) The department shall keep a record of the board's proceedings under this chapter and a register
4 of persons licensed under it. The register must show the name of every licensed physical therapist and
5 licensed assistant, the therapist's or assistant's last-known place of business and last-known place of
6 residence, and the date of issue and the number of every license and certificate issued to a licensed
7 physical therapist or licensed assistant.

8 (4) The department shall, during the month of April every year in which the renewal of licenses is
9 required, compile a list of licensed physical therapists authorized to practice physical therapy in the state
10 and shall mail, upon request, a copy of that list to the superintendent of every known hospital and every
11 person licensed to practice medicine and surgery in the state. An interested person in the state is entitled
12 to obtain a copy of the list on application to the department and payment of an amount not in excess of
13 the cost of the list.

14 (5) The department may change addresses and surnames on the licensee's records only on the
15 specific written request by the individual licensee."
16

17 **Section 3.** Section 37-16-407, MCA, is amended to read:

18 **"37-16-407. Renewal of license -- fee -- inactive status.** (1) A person who practices the fitting of
19 hearing aids and related devices shall annually pay to the department a fee as set by the board for a
20 renewal of the person's license. The fee must be fixed by the board to be commensurate with board costs
21 in administering licensure and related board functions. The fee must be increased 10% for each month or
22 major portion of a month that the payment of the renewal fee is delayed after the expiration date. The
23 maximum fee for a delayed renewal may not exceed twice the normal renewal fee as set by the board. A
24 person applying for renewal whose license was suspended for failure to renew is required to submit to the
25 examinations described in 37-16-403 as a condition of renewal for a 3-year period after suspension.

26 (2) Each applicant for license renewal shall submit evidence showing completion of ~~40~~ 8 hours of
27 continuing education completed during the preceding 12 months. The requirements of the continuing
28 education programs are to be determined by the board by rule. The board may not require more than 8
29 hours of continuing education in a year.

30 (3) (a) The board may set standards and fees for issuing licenses that designate inactive status.

1 (b) An inactive licensee may be reinstated to active practice if the inactive licensee:

2 (i) applies for reinstatement;

3 (ii) pays a fee set by the board; and

4 (iii) produces proof satisfactory to the board of completion of the continuing education requirements
5 established by the board."

6
7 **Section 4.** Section 37-67-315, MCA, is amended to read:

8 **"37-67-315. Biennial renewal -- fee -- statement of competency.** (1) Certificates of registration
9 expire every second year on the date established by rule of the department and become invalid on that date
10 unless renewed. The department shall notify each person registered under this chapter of the date of the
11 expiration of the person's certificate and the amount of the fee required for its renewal for 2 years. This
12 notice must be mailed at least 1 month in advance of the date of the expiration of the certificate. Renewal
13 may be made prior to the expiration date by the payment of a fee as set by the board for either a
14 professional engineer or professional land surveyor. For renewal of a dual license as both a professional
15 engineer and professional land surveyor, the fee must be set by the board.

16 (2) A certificate may not be renewed unless the registrant submits a statement to the effect and
17 the board is satisfied that the registrant has maintained competency by:

18 (a) the continued practice of engineering or land surveying; and

19 (b) engaging in other activities that provide for the maintenance of competency if prescribed by
20 board rule, such as continuing education, which may require up to ~~45~~ 16 professional development hours
21 in a 2-year period as prescribed by board rule and is generally patterned after the model rules of the national
22 council of examiners for engineering and surveying.

23 (3) Failure on the part of a registrant to renew the certificate biennially prior to the expiration date
24 does not deprive the registrant of the right of renewal. ~~; however~~ However, a registrant who fails to pay
25 the renewal fee for an additional year of the biennium is considered a new applicant and is required to
26 submit a new application.

27 (4) The fee for any registrant who fails to renew the certificate prior to the expiration date must
28 be increased by an amount not to exceed 50% of the renewal fee. Renewal may not be completed until
29 all fees are paid."

30 -END-