

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on March 13, 1991, at
3:21 p.m.

ROLL CALL

Members Present:

Dorothy Eck, Chairman (D)
Eve Franklin, Vice Chairman (D)
James Burnett (R)
Thomas Hager (R)
Judy Jacobson (D)
Bob Pipinich (D)
David Rye (R)
Thomas Towe (D)

Members Excused: None.

Staff Present: Tom Gomez (Legislative Council)
Christine Mangiantini (Committee Secretary)

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON HOUSE BILL 111

Presentation and Opening Statement by Sponsor:

Representative Dorothy Cody opened by saying this bill is a housekeeping measure. In 1989, she carried HB 395 which allowed prescriptive authority for nurses and nurse practitioners. During the rule drafting stage, the bill did not include the correct language. She read the changes in HB 111, which would alleviate the problems that arose during implementation. She would like the measure to be effective immediately.

Proponents' Testimony:

The first witness was Cathy Caniparoli, representing the Montana Nurse Practitioners State Interest Group. See Exhibit #1 for a copy of her testimony.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

Representative Cody closed by saying the Nursing Act includes the definitions referred to in HB 111. She thanked the committee for their consideration.

EXECUTIVE ACTION ON HOUSE BILL 111

Motion:

Senator Towe moved adoption of the amendments denoted in Exhibit #2.

Discussion:

Senator Jacobson noted two clerical mistakes in the bill.

Senator Franklin said the difficulty was that the plural 'boards' indicated that nurse specialists would have to apply to more than one board and that was not the case.

Amendments, Discussion, and Votes:

There being no objections the motion carried.

Recommendation and Vote:

Senator Franklin moved concurrence of HB 111 as amended. There being no objections the motion carried.

HEARING ON HOUSE BILL 341

Presentation and Opening Statement by Sponsor:

Representative Bradley opened by saying this bill allows physical therapists to apply topical medications when they have been prescribed by a physician. This has been common practice in recent years. Physical therapists want to make sure this is included in their statutory language. Topical medications are applied to the skin to enhance certain types of treatment, like electrical currents or ultrasound.

Representative Bradley continued by saying the medication and treatment would have to be prescribed by a medical practitioner. The physical therapist must purchase it from a pharmacy and may store the medication in their office as a matter of convenience for their patients. The doctor prescribes the dosage and medication, the pharmacist sells the product and the physical therapist performs the treatment. This is efficient and safety is guaranteed. She said she had received communications from massage therapists who are concerned about the language on page 6, lines 7 and 8. As a matter of compromise we added the language that is capitalized on lines 7 and 8.

Proponents' Testimony:

The first witness was Lorin R. Wright, p.t., representing the Montana Chapter of the Physical Association. See Exhibit #3 for a copy of his remarks.

The second witness was John Delano, representing the Montana Medical Association and a member of the Physical Therapy Board. He said they were in favor of this bill.

The third witness was Carrie Gajdosik, representing the Montana Physical Therapy Association. See Exhibit #4 for a copy of her testimony.

The fourth witness was Gary Lusin, representing the Montana Chapter of the American Physical Therapy Association. See Exhibit #5 for a copy of his testimony.

The fifth witness was Dianne Allen, representing the South Central District of Montana Chapter of the American Physical Therapy Association. She said they supported the bill.

The sixth witness was Jerome Connolly, representing himself. He said he was a physical therapist practicing in Billings with offices in Red Lodge and Laurel as well. He said he is a former chairman and member of the Board of Physical Therapists. He said he supported the bill.

The seventh witness was Gale Wheatley, a physical therapist in Great Falls. She said she is a member of a "phone tree" which transmits information throughout the Great Falls region. All physical therapists she has spoken to have no opposition to the bill.

The eighth witness was Mona Jamison, lobbyist for the Physical Therapy Association. She highlighted the key elements of the bill which were allowing physical therapists to apply and purchase topical medications, which were listed in the bill.

Opponents' Testimony:

The first witness was Tom Reynolds, representing the American Massage Therapy Association. He said he is not actually an opponent but said there was concern about some parts of the language. He said it had been corrected and accepted by his organization.

The second witness was Deborah Kimmit, representing the Montana Sports Massage Team. She said she agreed with Mr. Reynolds remarks.

Questions From Committee Members:

Senator Hager said he had received calls asking that language on page 6 be deleted regarding massage therapists.

Mona Jamison said she had problems with that. She said the massage therapists would be coming back in two years with their own bill and that they had signed off on this measure until that time. The language reflects current practice and they have a verbal compromise with the massage therapists.

Senator Towe asked if the physical therapists would be supporting the bill of the massage therapists.

Mona Jamison said she hopes they share the bill with the physical therapists. She said they are always willing to work in good faith on committees and to engage in continuous dialogue regarding these issues.

Chairman Eck asked about the fee language in section 5 being stricken.

Mona Jamison said the Board of Physical Therapy Examiners had a bill addressing this issue and she did not feel it was necessary to include it in this measure.

Closing by Sponsor:

Representative Bradley closed by thanking the committee for a good hearing.

EXECUTIVE ACTION ON HOUSE BILL 341

Motion:

Senator Towe moved concurrence.

Discussion:

None.

Recommendation and Vote:

There being no objections the motion carried.

HEARING ON HOUSE BILL 515

Presentation and Opening Statement by Sponsor:

Representative Thomas Lee opened by saying this was a good bill and asked the chairman to recognize the proponents.

Proponents' Testimony:

The first witness was Bill Unger, superintendent of Mountain View School. He thanked Representative Lee for carrying the bill and said it was requested by the two juvenile institutions and the Department of Family Services. He said this bill does not change much from the current statute. Juveniles now have to be accompanied with information about a current physical. It has been a problem because of the lack of definition surrounding the intent. They receive regular commitments and 45-day evaluation clients. Current language states that a youth committed shall have a physical. They would like to clarify by saying any youth that comes to the institutions needs a physical. Many youth have not received medical attention for years. This bill will allow the institutions to identify potential medical problems. He handed the committee Exhibit #6 which is a clinical evaluation form used by the Department of Family Services.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Towe wanted to know who paid for the physical examinations.

Mr. Unger said it is the counties. However, many youth arrive at the institutions without physical examinations. They perform examinations and bill back the county. Some counties pay and some do not.

Senator Towe wanted an explanation about the circumstances surrounding youth committed with no physical examination.

Mr. Unger said they do not want to get into the practice of performing a physical examination on every youth that is committed, which is about 460 every year for the two institutions. He said they make exceptions for the youth court system.

Senator Jacobson asked about section 2, where the bill is amended by using the term 'admission' instead of 'commitment'. She asked how this language related to another part of the bill.

Mr. Unger said the language was suggested by the attorney for the Department of Family Services. The language probably relates to other facilities.

Senator Towe said the judge signs the order of commitment.

Closing by Sponsor:

Representative Lee closed by thanking the committee for a good hearing.

EXECUTIVE ACTION ON HOUSE BILL 515

Motion:

Senator Franklin moved concurrence.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being no objections the motion carried.

HEARING ON HOUSE BILL 587

Presentation and Opening Statement by Sponsor:

Representative Royal Johnson opened by saying this is an easy bill. He said nutritionists are under the licensure of the Board of Medical Examiners. He said when he served on the board they were bogged down with work. He read from the bill. The Department of Commerce would like to decide when to renew licenses. He urged passage.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Towe asked if the Board would try and stagger the terms of licensure.

Representative Johnson said that was correct as it was for other professional areas.

Closing by Sponsor:

Representative Johnson closed by thanking the committee for the hearing.

EXECUTIVE ACTION ON HOUSE BILL 587

Motion:

Senator Jacobson moved concurrence.

Discussion:

None.

Recommendation and Vote:

There being no objections the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 176

Motion:

Senator Towe moved adoption of the amendments denoted in Exhibit #7.

Discussion:

Chairman Eck explained the amendments by saying the concern was that persons needed many copies of death certificates during the closure of an estate.

Senator Hager asked for clarification about the amendment.

Senator Towe said it was \$5.00 for the first 10 copies of the death certificate and \$2.00 for each copy thereafter.

Amendments, Discussion, and Votes:

There being no objection the motion carried. Senator Towe moved the bill as amended.

Recommendation and Vote:

There being no objections the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 860

Motion:

Senator Towe moved adoption of the amendments denoted in Exhibit #8.

Discussion:

Chairman Eck called upon Tom Gomez to explain the amendments.

Mr. Gomez said the bill returns to the original draft a provision to allow an agency head to establish designated smoking areas as opposed to requiring an agency head to establish designed smoking areas in each state building. It adds provisions that the designated smoking area, except in area prohibited, must be suited by architectural design and functional purpose to be used as a smoking area. He read through the amendments as they would be stated in the bill.

Chairman Eck said the effect would make the buildings smoke free. The agency has the option of providing a smoke free area or building.

Senator Towe said he was concerned about amendment #4 and asked about the problem of buildings with no suitable area. What if there is no suitable architectural design location. They can exercise their option.

Amendments, Discussion, and Votes:

Senator Jacobson voted against the amendments in Exhibit #8, all other committee members voted in favor of the motion thereby adopting the amendments.

Senator Jacobson asked about grandfathering certain buildings.

Chairman Eck said it was taken care of in the bill.

Senator Jacobson said the sponsor of the bill told her that unless they receive a bill requiring a smoking area that they are likely to vote the bill down. She said it would be safer to leave the bill in the present form and grandfather the buildings. She said the sponsor would much prefer a grandfather clause.

Chairman Eck said the sponsor did not talk to her about that but said it might be a good idea to have an amendment prepared for grandfathering buildings in case that issue arose.

Recommendation and Vote:

Senator Towe moved concurrence as amended. There being no objections the motion carried.

EXECUTIVE ACTION ON SENATE BILL 369

Motion:

Senator Towe moved the amendments in Exhibit #9.

Discussion:

Senator Jacobson explained the amendments in Exhibit #9, which mainly inserted the vending machine language from Representative Pavlovich's bill into SB 369. The bill denotes a penalty of \$250.00. The problem is that \$250.00 is the maximum penalty. If the judge imposed a \$50.00 fine their would be no suspension. The language was changed to strike the amount of money and insert language regarding multiple violations.

Amendments, Discussion, and Votes:

There being no objection the amendments denoted in Exhibit #9 were adopted.

Senator Towe asked about signage on page 2 of the bill. It requires the establishment to display a sign stating it is illegal to sell tobacco products to minors.

Senator Jacobson said the establishment cannot sell or distribute.

Tom Gomez said that issue came up on page 2, lines 15 and 16. He said it should say, 'it is illegal to sell or distribute'. He said he missed that change.

Motion:

Senator Jacobson moved to adopt the language, 'it is illegal to sell or distribute' and insert where it is necessary in the bill.

There being no objections the motion carried.

Senator Towe asked Senator Jacobson if she was comfortable with the language pertaining to signage. He said every establishment that was selling tobacco products would have to display a sign provided by the Department of Revenue that would state it is illegal to sell or distribute tobacco products to minors.

Senator Jacobson said the license fee of \$10.00 would cover the cost of the signs and other expenses.

Motion:

Senator Towe moved adoption of a coordinating instruction, a new section 8 which will read: Coordinating Instruction. If HB 849 is passed and signed by the Governor this Act will not take effect until or unless the referendum set forth in HB 849 is favorably approved by a majority of students voting.

Senator Hager said the referendum requirement is up to the school to institute. Line 23, page 1, he read from HB 849. He said a vote by a small country school could decide the issue.

Senator Jacobson said by passing SB 369 it is probably going against the intent of HB 849. Representative Bradley met for her bill to be passed by the children and for them to voluntarily ask the stores not to sell cigarettes and tobacco products. We would be changing the intent of that bill by inserting language from SB 369.

Chairman Eck said we need more than one option.

Senator Burnett said they could not pass them both.

Senator Jacobson said they could but it destroys the intent of HB 849.

Senator Towe said if we pass either of the other two bills, HB 849 is meaningless. He said there is a movement to do something. The only option is to pass a coordinating instruction in SB 369 and add language to HB 849 making the referendum mandatory. He said he did not find that offensive.

Senator Rye said everyone agrees that selling cigarettes to minors is not a good idea and agree equally that minors buying cigarettes is bad. There are certain rules and regulations that go with having children. He suggested passing SB 369 and adding penalties for the minors and the retailers that engage in the sale and use of tobacco products. There are similar laws for alcohol and they are enforced and he thinks cigarettes are in the same category.

Senator Jacobson said because of the Montana Constitution this bill cannot read age 19. That is why lawmakers had to look to the Constitution for the age limit on the drinking laws.

Senator Rye said there are penalties for 21-year old persons supplying beer to their under age friends and we need similar penalties for cigarettes. He said nobody has a right to choose which laws to obey.

Senator Jacobson said those minors using tobacco products will not vote the law in.

Senator Jacobson continued by saying when she sees small children buying chewing tobacco, it is time to implement some regulations. She said many residents of Montana did not know that it was legal to sell tobacco to minors. Senator Jacobson said if there is a fine imposed on the minors the parents will have to pay it.

With Senators' Burnett, Franklin, Hager, Jacobson, Pipinich and Rye voting against adoption and Senators' Towe and Eck voting in favor of adoption the motion failed.

Motion:

Senator Towe moved adoption of the following amendment: on page 1 line 17 following the word 'sale', add or distribution.

There being no objections the motion carried.

Senator Rye said there was the opinion expressed that parents would pay the fine.

Senator Jacobson said many parents pay the fine for minors being picked up for possession of alcohol. If the minor does not have the \$50.00 to pay the fine they will have to tell their parents and maybe that is a good idea. She said she thought the fine clause in HB 378 was identical to SB 369.

Chairman Eck said HB 378 makes it a status offense and sometimes minors become immune to that punishment when there are many status offenses.

Senator Jacobson said HB 378 makes the violation identical for the seller and the purchaser. She said she would prefer to insert a \$50.00 fine for the purchaser and leave the other penalties for the seller. It makes sense to fine the minor buying the cigarettes but the main burden should be on the seller. She suggested inserting a new section.

Motion:

Senator Towe moved adoption of the following amendment: "New Section. Section 4. Purchase or receipt of tobacco products by minors prohibited -- penalty. (1) It is unlawful for a person who is under 18 years of age to purchase or receive a tobacco product. (2) a person who violates this section shall be fined an amount not to exceed \$50." (This amendment was inadvertently left out of the Standing Committee Report and was added to the bill as a floor amendment on March 15.)

Senators' Eck and Franklin voted against the amendment and all other committee members voted in favor of adoption. The motion carried.

Recommendation and Vote:

Senator Rye moved adoption of SB 369 as amended. There being no objections the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 378

Motion:

Senator Towe moved to table HB 378.

Discussion:

None.

Recommendation and Vote:

There being no objections the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 849

Motion:

Senator Pipinich moved to table HB 849.

Discussion:

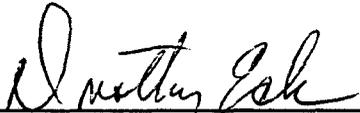
None.

Recommendation and Vote:

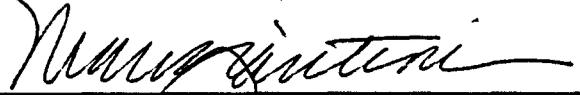
There being no objections the motion carried.

ADJOURNMENT

Adjournment At: 4:55 p.m.



SENATOR DOROTHY ECK, Chairman



CHRISTINE MANGIANTINI, Secretary

DE/cm

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 111 (third reading copy -- blue), respectfully report that House Bill No. 111 be amended and as so amended be concurred in:

1. Title, line 6.

Following: "NURSING;"

Strike: "AND"

2. Title, line 7.

Following: "MCA"

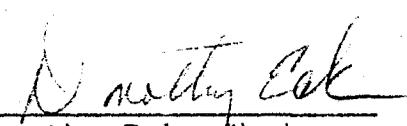
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3.

Following: line 16

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

Signed: _____


Dorothy Eck, Chairman

SB 3/14/91
Amd. Cobrd.

SB 3-14 1:05
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 341 (third reading copy -- blue), respectfully report that House Bill No. 341 be concurred in.

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

3-14-91
Amd. Coord.

3-14-91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 515 (third reading copy -- blue), respectfully report that House Bill No. 515 be concurred in.

Signed: *Dorothy Eck*
Dorothy Eck, Chairman

141 3-14-91
Amd. Coord.

SE 3-14-91 9:10
Sec. of Senate

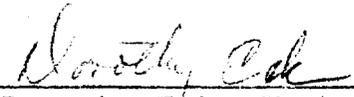
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 587 (third reading copy -- blue), respectfully report that House Bill No. 587 be concurred in.

Signed: _____



Dorothy Eck, Chairman

144 3-14-91
Amd. Coord.

SB 5-14-91 110
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 176 (third reading copy -- blue), respectfully report that House Bill No. 176 be amended and as so amended be concurred in:

1. Page 3, lines 6 and 7.

Following: "\$5" on line 6

Strike: remainder of line 6 through "\$3" on line 7

2. Page 3, line 8.

Following: line 7

Insert: "(n) for certified copies of a death certificate, \$5 for the first 10 copies and \$2 for each copy thereafter;"

Renumber: subsequent subsection

Signed: _____
Dorothy Eck, Chairman

191 3-14-91
And. Coord.

SB 3-14 12:35
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 860 (third reading copy -- blue), respectfully report that House Bill No. 860 be amended and as so amended be concurred in:

1. Title, line 10.

Following: "~~ALLOWING~~"

Strike: "REQUIRING"

Insert: "ALLOWING"

2. Page 2, line 18.

Following: "~~may~~"

Strike: "SHALL"

Insert: "may"

3. Page 2, line 19.

Following: "AREA"

Strike: "within the"

Insert: "in each"

4. Page 2, line 20.

Following: "(1)"

Insert: ", suited by architectural design and functional purpose to be used as a smoking area"

Signed: _____
Dorothy Eck, Chairman

MA 3-14-91
Ad. Coord.

SP 3-14 12:35
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 369 (first reading copy - white), respectfully report that Senate Bill No. 369 be amended and as so amended do pass:

1. Title, line 4.

Following: "SALE"

Insert: "OR DISTRIBUTION"

2. Page 1, line 11.

Page 2, lines 7 and 10.

Page 4, lines 12, 13, and 16.

Strike: "6"

Insert: "7"

3. Page 1, line 17.

Following: "sale"

Insert: "or distribution"

4. Page 1, line 19.

Following: "sales"

Insert: "or distribution"

5. Page 2, line 15.

Following: "sell"

Insert: "or distribute"

6. Page 2, line 17.

Following: "Sale"

Insert: "or distribution"

7. Page 2, line 19

Following: "sell"

Insert: "or distribute"

8. Page 2, lines 19 through 20.

Following: "product" on line 19

Strike: "at retail"

9. Page 3, line 1.

Following: page 2

Insert: "NEW SECTION. Section 4. Sales from tobacco vending machines. Tobacco products may be sold through a vending machine only in:

(1) factories, businesses, offices, and other places not open to the general public;

(2) places to which persons under 18 years of age are not

permitted access; and

(3) places where the vending machine is under the direct supervision of the owner or an employee of the establishment. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person for purposes of [section 3]."

Renumber: subsequent sections

10. Page 3, line 24.

Following: "was"

Strike: "\$250"

Insert: "for a second violation within a 1-year period"

11. Page 4, line 1.

Strike: "\$500"

Insert: "for a third violation within a 2-year period"

12. Page 4, line 3.

Strike: "\$1,000"

Insert: "for a fourth or subsequent violation within a 2-year period"

13. Page 4, line 12.

Following: "are"

Strike: "more"

Insert: "as"

14. Page 4, line 13.

Strike: "than"

Insert: "as"

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

KB 3/14
Amd. Coord.

J.B. 3/14 1:05
Sec. of Senate

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 3/13/91

H BILL NO. 111

My name is Cathy Caniparoli, Great Falls and I am here to offer testimony in support of HB 111. I am representing the 60 members of the Montana Nurse Practitioner State Interest Group. There are approximately 105 nurse practitioners in Montana who have received a copy of Draft #9 and progress reports about the development of rules and regulations for prescriptive authority.

We support this legislation because it clarifies the respective roles of the Board of Nursing and the Board of Medical Examiners in the area of prescriptive authority for nurse specialists. It will also allow the Board of Nursing, Board of Pharmacy and the Board of Medical Examiners to continue their work on Draft #9 of the rules and regulations. The process of rules development has allowed all the groups involved to become more familiar with each other and the role of the nurse specialist. This will increase the safety of the consumer who utilizes the services of nurse specialists in Montana.

You have in your packet a copy of Draft #9, a letter of support for this legislation from the Board of Medical Examiners and testimony. Thank you for your consideration of this legislation and urge your support of H.B. 111.

1/15/91

3/13/91

DEPARTMENT OF COMMERCE
PUBLIC SAFETY DIVISION

Exhibit # 1
3-13-91 HB 111

STAN STEPHENS, GOVERNOR

1424 9TH AVENUE

STATE OF MONTANA

HELENA, MONTANA 59620-0407

BOARD OF MEDICAL EXAMINERS

December 4, 1990

Board of Nursing
111 North Jackson
Helena, MT 59620-0407

RE: Rules for Nurse Specialist Prescribing Authority

Dear Board Members:

The Board of Medical Examiners appreciates the spirit of cooperation and the hard work that the Board of Nursing and all members of the Nurse Specialist Prescribing Authority Committee have invested in drawing up appropriate guidelines for Nurse Specialist Prescribing Authority.

Please be advised that, as discussed and passed at the October 13, 1990, meeting of the Board of Medical Examiners, the Board of Medical Examiners supports legislative modification of Section 37-8-203(5)(b), MCA, to eliminate the requirement that a Nurse Specialist apply to both the Board of Medical Examiners and the Board of Nursing for authorization to prescribe drugs. The language supported by the Board is as follows:

". . . If considered appropriate for a Nurse Specialist who applies to the board (or "board of nursing") for authorization, prescriptive authority must be granted."

Section 37-8-203(5)(b), MCA.

Second, the Board of Medical Examiners is willing to continue the process of promulgating appropriate rules for such prescribing authority, which process has resulted in "Draft 9" of such proposed rules.

Third, if the aforementioned statutory change is effected by the Montana Legislature, the Board would be willing to consider "Draft 9" or any subsequent draft of proposed rules for Nurse Specialist Prescribing Authority.

Board of Nursing
December 4, 1990
Page 2

Again, your courtesy and cooperation in working on this matter is greatly appreciated.

Very truly yours,


RICHARD W. BEIGHLE, MD
President, Board of Medical Examiners

RWB:jg

Ocotber 1990

PROPOSED RULES TO IMPLEMENT
NURSE SPECIALIST PRESCRIPTIVE AUTHORITY

New Subchapter

I. Prescriptive Authority for Nurse Specialists. (1) This subchapter shall be known and may be cited as the Nurse Specialist Prescriptive Authority Rules.

(2) A Nurse Specialist granted prescriptive authority by the Board of Nursing may prescribe and dispense drugs pursuant to applicable state and federal laws.

(3) Prescriptive authority permits the Nurse Specialist to use prescription drugs in the prevention of illness, the restoration of health and/or the maintenance of health.

(4) (a) The Board of Nursing shall provide the Board of Pharmacy with an annual list of Nurse Specialists with prescribing authority and their titles.

(b) The Board of Nursing shall promptly forward to the Board of Pharmacy the names and titles of Nurse Specialists added to or deleted from the annual list.

(c) The Board of Pharmacy shall be notified in a timely manner when the prescriptive authority of a Nurse Specialist is terminated, suspended, or reinstated.

II. Definitions. The following definitions apply in and for this subchapter.

(1) "Accrediting organization" is that professional organization which establishes standards and criteria for approved continuing education programs.

(2) "Certifying body" is a national certifying organization which examines and validates credentials of Nurse Specialists and which has been approved by the Board as a certifying agency for Nurse Specialist recognition. A list of certifying agencies approved by the Board is available from the Board office.

(3) "Committee" refers to the Prescriptive Authority Committee, as defined in section (ARM III_____).

(4) "Dispensing" is as defined in 37-2-104 M.C.A.

(5) "Drug" is a substance defined by section 37-7-101(6), M.C.A.

(6) "Nurse Specialist" is a registered nurse recognized by the Board to practice as a Nurse Specialist pursuant to 37-8-202(5)(a) M.C.A. and ARM 8.32.305.

(7) "Prescription" is an order for a drug, as defined by section 37-7-101(13), M.C.A., or any medicines, devices or treatments, including controlled substances listed in Schedule II-V, as defined by federal law in the Code of Federal Regulations Title 21, section 1306.

(8) "Prescriptive Authority" is the authority to issue written or verbal prescriptions.

(9) "Referral physician" is a physician licensed by the state of Montana who has agreed to collaborate with and receive referrals from the Nurse Specialist.

III.

Prescriptive Authority Committee. There shall be a Prescriptive Authority Committee. (1) The Committee shall be composed of three members of the Board of Nursing, two of whom shall be RNs, one physician from the Board of Medical Examiners and one pharmacist from the Board of Pharmacy.

(a) The Committee may retain consultants as necessary.

(b) The Committee members shall select a chairman and a secretary.

(c) Meetings shall be conducted according to Roberts Rules of Order. Minutes shall be recorded and maintained by the Board of Nursing.

(d) Meetings shall be conducted in a fashion which protects the individuals' constitutional right to privacy.

(2) The Committee shall review all complaints charging inappropriate use of Prescriptive Authority and shall recommend action to the Board of Nursing.

(3) The Committee's recommendations may be adopted or rejected by the Board of Nursing.

(a) If the recommendation is adopted by the Board of Nursing, the Board shall use the Advisory Committee's findings and recommendations in determining appropriate action, in accordance with (ARM IX).

(b) If the recommendation is rejected by the Board of Nursing, the reasons for rejection shall be given in writing to the Committee.

IV. Initial Application Requirements for Prescriptive Authority.

(1) The Nurse Specialist shall submit a completed application provided by the Board of Nursing, and a non-refundable fee.

(a) The application shall include evidence of completion of a minimum of 15 contact hours of education in pharmacology and/or the clinical management of drug therapy which has been obtained within a three-year period immediately prior to the date the application is received at the Board office. Six of the 15 contact hours must have been obtained within one year immediately prior to the date the application is received at the Board office.

(b) The application shall include a copy of the original certification document from the Nurse Specialist's certifying body.

(c) The application shall include, in accordance with ARM (VII), a method of referral and documentation in client records.

(d) The application shall include, in accordance with ARM (VIII), a method of quality assurance used to evaluate the Nurse Specialist's practice.

(2) The Board of Nursing may deny the application on one or more of the following grounds:

(i) the applicant is not recognized as a Nurse Specialist,

(ii) the applicant submitted an incomplete application,

(iii) the applicant has not met the requirements contained in ARM [IV(1)(a)], or

(iv) the applicant's license has been impaired by disciplinary action pursuant to Title 37, Chapter 8.

(3) The Board of Nursing shall have discretion to delay action on an application for Prescriptive Authority as long as:

(i) the applicant is under investigation for possible disciplinary action, or

(ii) pending disciplinary action exists which has not yet been resolved in a final order or a dismissal of action.

V. Prescribing Practices.

(1) Prescriptions shall comply with all applicable state and federal laws.

(2) All prescriptions shall comply with the following criteria:

- (a) Name, title, address and phone number of the Nurse Specialist who is prescribing.
- (b) Name and address of client.
- (c) Date of prescription.
- (d) The full name of the drug, dosage, route and directions for its use.
- (e) Number of refills.
- (f) Expiration date of prescriptive authority.
- (g) Signature of prescriber on written prescription.
- (h) DEA number of the prescriber, *IF APPLICABLE*.

(3) Records of all prescriptions shall be documented in client records.

(4)(a) The Nurse Specialist with prescriptive authority who wishes to prescribe Schedule II-V drugs shall comply with federal Drug Enforcement Administration requirements prior to prescribing controlled substances.

(b) The Nurse Specialist shall immediately file a copy of his or her DEA registration and number with the Board of Nursing.

(c) The Board of Nursing shall maintain current records of all Nurse Specialists with DEA registration and numbers.

(d) In an emergency situation, Schedule II drugs may be phoned in to the pharmacist pursuant to 21 C.F.R. 1306.11(d) (1) (2) (3) (4).

(5) A Nurse Specialist shall not delegate the prescribing or dispensing of drugs to any other person.

(6) A Nurse Specialist may administer local anesthetics.

(7) A Nurse Specialist with prescriptive authority who also possesses inpatient care privileges shall practice pursuant to a written agreement between the agency and the Nurse Specialist which is consistent with the rules, regulations and guidelines set forth in 37-8-202(5) M.C.A., 37-2-104 M.C.A., ARMs 8.32.301 - 8.32.303, and this Subchapter. The Nurse Specialist shall file the written agreement and revision thereof with the Board of Nursing.

VI.

Special Limitations related to the Prescribing of Controlled Substances.

(1) A Nurse Specialist shall not prescribe controlled substances for self or for members of the Nurse Specialist's immediate family.

(2) A Nurse Specialist shall not provide controlled substances or prescription drugs for other than therapeutic purposes.

(3) A prescription for Schedule II drugs shall not exceed the quantity necessary for forty eight (48) hours. Prescriptions for Schedule III-V drugs shall not exceed the quantity necessary for thirty four (34) days.

(4) A Nurse Specialist shall, within 30 days, record in the client record his or her evaluation of the effectiveness of controlled substances prescribed.

(5) A Nurse Specialist shall not prescribe refills of controlled substances unless the refill prescription is in writing and bears the signature of both the Nurse Specialist and a referral physician.

VII. Method of Referral. (1) A Nurse Specialist with prescriptive authority shall have a referral process and a method for documentation of referral in the client records. Said referral method must be approved by the Board of Nursing prior to issuance of prescriptive authority.

(2) A Nurse Specialist shall immediately file with the Board of Nursing any proposed change in the method for referral or client record documentation. Any change shall be subject to approval by the Board of Nursing.

VIII. Quality Assurance of Nurse Specialist Practice. A Nurse Specialist with prescriptive authority shall submit a method of quality assurance for evaluation of the Nurse Specialist's practice. The quality assurance method must be approved by the Board of Nursing prior to issuance of prescriptive authority.

(2) The quality assurance method shall include the following elements:

- (a) use of standards which apply to the Nurse Specialist's area of practice,
- (b) concurrent or retrospective review of the practice,
- (c) use of preestablished criteria,

(d) written evaluation of review with steps for corrective action if indicated and follow-up.

(3) A Nurse Specialist shall immediately file with the Board of Nursing any proposed change in the quality assurance method. Any change shall be subject to approval by the Board of Nursing.

IX. Grounds for Termination of Prescriptive Authority and/or License Disciplinary Action. (1) A violation of this Subchapter is grounds for termination of prescriptive authority.

(2) A violation of this Subchapter is unprofessional conduct, subject to license disciplinary action as provided for in Title 37, Chapter 8, M.C.A.

(3) A licensee charged with violating this Subchapter shall be provided notice and a hearing pursuant to the Montana Administrative Procedures Act.

X. Termination of Prescriptive Authority. (1) The Board of Nursing may terminate a Nurse Specialist's prescriptive authority when one or more of the following criteria apply:

(a) the Nurse Specialist has not met the requirements for renewal of prescriptive authority in accordance with this Subchapter,

(b) the Nurse Specialist has not met requirements necessary to maintain Nurse Specialist recognition,

(c) the Nurse Specialist has not complied with the requirements for referral or quality assurance methods,

(d) the Nurse Specialist has prescribed outside the Nurse Specialist's scope of practice, has prescribed for other than therapeutic purposes, or has otherwise violated the provisions of the Prescriptive Authority Rules contained in this Subchapter,

(e) the Nurse Specialist has violated any state or federal law or regulations applicable to prescriptions,

(f) the Nurse Specialist has violated the Nurse Practice Act or nursing regulations contained in 37-8-441 M.C.A., 37-8-443 M.C.A., ARM 8.32.413(2), or this Subchapter.

(2) A Nurse Specialist whose prescriptive authority has terminated shall not prescribe until the Nurse Specialist has received written notice from the Board of Nursing that his or her prescriptive authority has been reinstated by the Board.

(3) The Board of Nursing shall promptly notify the

Board of Pharmacy of any termination of prescriptive authority.

XI. Renewal of Prescriptive Authority. (1) The Nurse Specialist's prescriptive authority shall expire on December 31st of even numbered years.

(2) To renew prescriptive authority, the Nurse Specialist shall submit to the Board of Nursing:

- (a) a completed renewal application and a non-refundable fee.
- (b) documentation of accredited pharmacological continuing education completed during the two year period immediately preceding the renewal application. Continuing education shall be from:
 - (i) study provided by advanced formal education, or
 - (ii) continuing education seminars or programs approved by certifying bodies.
- (c) A minimum of six contact hours of continuing education in pharmacology or pharmacology management is required during the two year period immediately preceding the effective date of the prescriptive authority renewal. The continuing education shall be approved by a professional accrediting organization.

(3) If a Nurse Specialist fails to renew prescriptive authority prior to the expiration date of that authority, the Nurse Specialist's prescriptive authority shall be automatically suspended until renewal is completed and the Nurse Specialist has received written notice that the prescriptive authority has been reinstated.

(a) The Nurse Specialist whose prescriptive authority is suspended shall not prescribe until the Nurse Specialist has received written notice from the Board of Nursing that his or her prescriptive authority has been reinstated by the Board of Nursing.

(b) The Board of Nursing shall promptly notify the Board of Pharmacy of any suspension of prescriptive authority.

Amendments to House Bill No. 111
Third Reading Copy

Requested by Representative Dorothy Cody
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
March 13, 1991

1. Title, line 6.
Following: "NURSING;"
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3.
Following: line 16
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."



American Physical Therapy Association

SENATE HEALTH & WELFARE

EXHIBIT NO. 3

DATE 3/13/91

H BILL NO. 341

25 January 1991

Lorin Wright, PT
President
APTA of Montana
1 South Oaks
P.O. Box 430
Red Lodge, Montana 59068

Dear Lorin:

Within the professional curriculum for the preparation of physical therapists the use of legend drugs is covered in one of the following courses, physical agents, electrotherapy, and pharmacology. Documentation is available in the textbook for physical therapist students by Scully, RM and Barnes, ML, Eds., PHYSICAL THERAPY, Lippincott Co, PA, 1989.

If I can be of further assistance, please do not hesitate to call.

Sincerely,

Rose Sgarlat Myers, PT, PhD, CAE
Director
Department of Education





MONTANA CHAPTER
OF THE
AMERICAN PHYSICAL THERAPY ASSOCIATION

March 14, 1991

Senate Public Health, Welfare and Safety Committee

Regarding : HB 341

Dear Chairman Eck and Members of the Committee.

I am Lorin R. Wright, P.T. President of the Montana Chapter of the American Physical Therapy Association. Historically physical therapists have used topical medications in conjunction with physical therapy procedures nearly since the beginning of the profession. I have been in practice nearly twenty years and received training in the use of topical medications in procedures such as phonophoresis (which is the use of ultrasound to apply medications into the body) and iontophoresis (which is the use of electricity to apply medications into the body). The ability and educational preparation for physical therapists to use topical medications has never been questioned however the Board of Pharmacy pointed out to the Board of Physical Therapy that physical therapists may be violating both the Pharmacy and Nursing Acts when we use these treatment techniques.

We are not asking to prescribe medications. A prescription must accompany treatment and the medications are always linked to the treatment technique. At the present time we would have to have a medical doctor write one prescription for the medication then another for the treatment technique. Then the patient would have to have the prescription for medication filled and remember to bring it to their physical therapist. The physical therapist would then have to hire or find a nurse (a profession which is in short supply and has more critical things to do) to apply the medication to the patients body so that the treatment ordered by the physician can be legally rendered. The patient would have to transport the medication each session. I am sure you can see how impractical this is. The patient would in many cases have to purchase more medication than was actually used or return to his M.D. for another prescription to complete the prescribed length of treatment. If it were available at the Physical Therapists office the charge would be only for the quantity of medication used and the patient would not have excess medication sitting in his medicine chest. Physical therapy is the profession trained and authorized to use the agents needed in phonophoresis and iontophoresis. To continue as we must now do is a needless inconvenience and cost to the patient and frustrating to the professionals involved.

Record keeping requirements, labeling, and protocols are all spelled out in the bill. The remainder of the bill is housekeeping for our board.



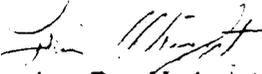
MONTANA CHAPTER
OF THE
AMERICAN PHYSICAL THERAPY ASSOCIATION

2

Prior to this bill being heard in the House Human Services and Aging Committee We were made aware that the Massage Therapists felt that the wording in the Exemption section of our bill would exclude them from performing their services. We talked with the individuals representing the Montana Massage Therapy Association who were attending the hearing and agreed on an amendment which is included in the bill you have before you now. Individual massage therapists have since contacted me wishing to have this expanded. We strongly disagree to this and do not wish to attempt to define the scope of practice of massage therapy in our law. This occupation no longer has a practice act and no qualifications are needed in this state to perform massage therapy. It is our position that no further allowances should be made to allow them to perform aspects of Physical Therapy. You have defined what lengths Physical Therapists must go to in education and testing in our law to perform these services. To allow someone with little or no comparable skills or education to perform these services is an insult to Physical Therapy students as well as practicing Physical Therapists and should be against to law. The reputation of our profession, the Senate, and the protection of the public is at stake here.

It is the position of the physical therapists in the state that this clarification is vitally needed in our law to allow us to carry out what we are receiving prescriptive orders to do. We ask that you vote in favor of this bill.

Sincerely,


Lorin R. Wright, PT
President

I'm Carrie Gajdosik. I'm an assistant professor in the physical therapy department at the University of Montana. I have taught physical modalities to PT students for the past 4 years. I am going to address the issue of educational background for administering topical medication, and in particular the techniques of phonophoresis and iontophoresis. These two procedures are probably the most common methods, and definitely the most technical methods, that physical therapists use to apply medications.

Phonophoresis is the method used to introduce topically applied medication through the skin by the use of ultrasound. Ultrasound are soundwaves of a very high frequency. Physical therapists ordinarily use ultrasound for heating the tissues. It can also be used to propel medication through the skin in a painfree manner. Iontophoresis is the introduction of topically applied medication by use of a very low dose direct electrical current. Physical therapists use a variety of electrical currents (without medication) for a range of problems, such as, pain control, muscle strengthening, and wound healing. Iontophoresis is only one of many applications of electrical current.

Student education on phonophoresis and iontophoresis includes lecture, lab, and supervised clinical experience. The lecture covers the physical and mechanical background of the machine, current, and soundwave; theoretical basis for the procedure; medications that could be used; indications of the modality; contraindications (or when it should not be used); and application technique. In the lab students practice the application with the appropriate machine on their peers. In the clinic the students perform the procedure on a patient under the direction of a licensed physical therapist.

SENATE HEALTH & WELFARE

EXHIBIT NO. _____

DATE 3/13/91

FILE NO. 341

PRICE RITE DRUG CENTERS

33 WEST MAIN BELGRADE, MONTANA 59714 (406) 388-4111
910 NO. 7th AVE BOZEMAN, MONTANA 59715 (406) 587-0608

January 29, 1991

Mr. Wilbur Spring
House Human Services and Aging Comm.
Helena, Montana

SENATE HEALTH & WELFARE

EXHIBIT NO. 4

DATE 3/13/91

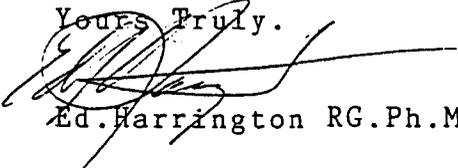
1 BILL NO. 341

Dear Wilbur,

I have reviewed House bill 341 regarding Physical therapists administering medications prescribed by a physician, and I cannot see any violation of the pharmacy act, no more than nurses in the hospital or doctors offices administering medications, or Physicians Assistants as they have in some rural areas.

I therefore endorse House Bill 341 and encourage your help in passing it. If you have any questions from me please do not hesitate to call me at the Bozeman store or at my home 587-4375. Thank you for your help.

Yours Truly.


Ed. Harrington RG.Ph.Montana

BOZEMAN
PHYSICAL THERAPY CENTER
Suite 703G • Medical Arts Center
300 North Willson
Bozeman, Montana 59715
(406) 587-4501

SENATE HEALTH & WELFARE
EXHIBIT NO. 5
DATE 3/13/91
BILL NO. 341

TOPICAL MEDICATIONS: PRACTICAL USES BY PHYSICAL THERAPISTS

Physical therapists are frequently referred patients, by physicians, with any one or two of a variety of musculoskeletal conditions. A physician will oftentimes prescribe physical therapy treatment for that patient's condition which involves either phonophoresis, iontophoresis, or certain treatments which involve open wounds or burns that require the application of topical medications through the course of treatment.

The most common use is in phonophoresis which typically involves a 10% hydrocortisone mixture which is applied to the skin overlying specific injury site and which is driven into the injured tissue by ultrasound. Physicians will oftentimes elect this type of treatment instead of local injection to the area.

House Bill 341 will greatly simplify the process whereby this type of physical therapy treatment can be provided. The law will allow a physician to refer a patient to physical therapy with a prescribed treatment of phonophoresis (or other topical medication treatments as necessary) and the patient may then go to a physical therapist and have that treatment provided. Without the law the physician will have to write a prescription to the patient who will then have to go to a pharmacy to pick up the topical medication and then go to the physical therapist to have it administered with the appropriate instrument. If the patient does not get the prescribed topical medication filled and then goes to the physical therapist for treatment then appropriate physician ordered treatment will not be able to be carried out.

I believe the language in the bill makes it very clear as to what procedure will be taken by physical therapists in the use of these topical medications and clearly will make it very convenient for patients to receive appropriate physical therapy care when it has been prescribed by a physician. The physician will determine the medication and dosage, the physical therapists will purchase the topical medications through local pharmacies, appropriate record keeping systems will be established to assure compliance with topical medication shelf life, and patients will be assured that treatment will be able to be administered in a timely and effective manner.

Gary Lusin, MS, ATC, PT

Gary Lusin, P.T.
Mary Jo Lusin, P.T.

Amendments to House Bill No. 176 # BILL NO. 176
Third Reading Copy

Requested by Senator Dorothy Eck
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
March 13, 1991

1. Page 3, lines 6 and 7.
Following: "\$5" on line 6
Strike: remainder of line 6 through "\$3" on line 7

2. Page 3, line 8.
Following: line 7
Insert: "(n) for each certified copy of a death certificate, \$5
for the first 10 copies, and \$2 for each copy thereafter;"
Renumber: subsequent subsection

Amendments to House Bill No. 860
Third Reading CopyRequested by Senator Dorothy Eck
For the Senate Public Health, Welfare, and Safety CommitteePrepared by Tom Gomez
March 13, 1991

1. Title, line 10.
Following: "ALLOWING"
Strike: "REQUIRING"
Insert: "ALLOWING"

2. Page 2, line 18.
Following: "may"
Strike: "SHALL"
Insert: "may"

3. Page 2, line 19.
Following: "AREA"
Strike: "within the"
Insert: "in each"

4. Page 2, line 20.
Following: "(1)"
Insert: ", suited by architectural design and functional purpose
to be used as a smoking area"

Amendments to Senate Bill No. 369
First Reading Copy

Requested by Senator Judy Jacobson
For the Senate Public Health, Safety, and Welfare Committee

Prepared by Tom Gomez
February 20, 1991

1. Title, line 4.
Following: "SALE"
Insert: "OR DISTRIBUTION"
2. Page 1, line 11.
Page 2, lines 7 and 10.
Page 4, lines 12, 13, and 16.
Strike: "6"
Insert: "7"
3. Page 2, line 17.
Following: "Sale"
Insert: "or distribution"
4. Page 2, line 19
Following: "sell"
Insert: "or distribute"
5. Page 2, lines 19 through 20.
Following: "product" on line 19
Strike: "at retail"
6. Page 3, line 1.
Following: page 2
Insert: "NEW SECTION. Section 4. Sales from tobacco vending machines. Tobacco products may be sold through a vending machine only in:
 - (1) factories, businesses, offices, and other places not open to the general public;
 - (2) places to which persons under 18 years of age are not permitted access; and
 - (3) places where the vending machine is under the direct supervision of the owner or an employee of the establishment.
 The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person for purposes of [section 3]."
Renumber: subsequent sections

7. Page 3, line 24.

Following: "was"

Strike: "\$250"

Insert: "for a second violation within a 1-year period"

8. Page 4, line 1.

Strike: "\$500"

Insert: "for a third violation within a 2-year period"

9. Page 4, line 3.

Strike: "\$1,000"

Insert: "for a fourth or subsequent violation within a 2-year
period"

10. Page 4, line 12.

Following: "are"

Strike: "more"

Insert: "as"

11. Page 4, line 13.

Strike: "than"

Insert: "as"

Amendments to Senate Bill No. 369
First Reading Copy

For the Senate Public Health, Safety, and Welfare Committee

Prepared by Tom Gomez
March 13, 1991

1. Title, line 4.
Following: "SALE"
Insert: "OR DISTRIBUTION"
2. Page 1, line 11.
Page 2, lines 7 and 10.
Page 4, lines 12, 13, and 16.
Strike: "6"
Insert: "7"
3. Page 1, line 17.
Following: "sale"
Insert: "or distribution"
4. Page 1, line 19.
Following: "sales"
Insert: "or distribution"
5. Page 2, line 15.
Following: "sell"
Insert: "or distribute"
6. Page 2, line 17.
Following: "Sale"
Insert: "or distribution"
7. Page 2, line 19
Following: "sell"
Insert: "or distribute"
8. Page 2, lines 19 through 20.
Following: "product" on line 19
Strike: "at retail"
9. Page 3, line 1.
Following: page 2
Insert: "NEW SECTION. Section 4. Sales from tobacco vending machines. Tobacco products may be sold through a vending machine only in:
 - (1) factories, businesses, offices, and other places not open to the general public;
 - (2) places to which persons under 18 years of age are not permitted access; and
 - (3) places where the vending machine is under the direct supervision of the owner or an employee of the establishment.The sale of tobacco products from a vending machine under direct

supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person for purposes of [section 3]."

Renumber: subsequent sections

10. Page 3, line 24.

Following: "was"

Strike: "\$250"

Insert: "for a second violation within a 1-year period"

11. Page 4, line 1.

Strike: "\$500"

Insert: "for a third violation within a 2-year period"

12. Page 4, line 3.

Strike: "\$1,000"

Insert: "for a fourth or subsequent violation within a 2-year period"

13. Page 4, line 12.

Following: "are"

Strike: "more"

Insert: "as"

14. Page 4, line 13.

Strike: "than"

Insert: "as"

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 111 Time 3:27 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the amendments in
Exhibit #1. There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 HBill No. 111 Time 3:30 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary _____

Chairman _____

Motion: Senator Franklin moved concurrence of HB 111 as amended.

There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 341 Time 3:50 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved concurrence. There being no objection
the motion carried. Chairman Eck designated Senator Jacobson
as Senate sponsor.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 515 Time 4:00 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary _____

Chairman _____

Motion: Senator Franklin moved concurrence. There being no
objection the motion carried. Chairman Eck designated Senator
Franklin as sponsor.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 587 Time 4:04 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Jacobson moved concurrence. There being no
objection the motion carried. Chairman Eck designated Senator
Jacobson as sponsor.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 176 Time 4:05 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the amendments denoted
in Exhibit #7. There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 176 Time 4:07 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved concurrence as amended. There being
no objection the motion carried. Chairman Eck designated Senator
Rye as sponsor.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 860 Time 4:10 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON		X
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the amendments denoted in

Exhibit #8.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 860 Time 4:15 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved concurrence as amended. There being
no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 S Bill No. 369 Time 4:20 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the amendments denoted in Exhibit #9. There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, S Bill No. 369 Time 4:23 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Jacobson moved adoption of language, 'it is
illegal to sell or distribute', to all appropriate places in the
bill. There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 S Bill No. 369 Time 4:40 p.m.

NAME	YES	NO
SENATOR BURNETT		X
SENATOR FRANKLIN		X
SENATOR HAGER		X
SENATOR JACOBSON		X
SENATOR PIPINICH		X
SENATOR RYE		X
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved to add the following language: Section 8. Coordinating Instruction. If HB 849 is passed and signed by the Governor this Act will not take effect until or unless the referendum set forth in HB 849 is favorably approved by a majority of students voting. There being 6 nays and 2 ayes the motion failed.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 S Bill No. 369 Time 4:42 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the following amendment:
on page 1, line 17, following the word 'sale', add 'or distribution.'
There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 S Bill No. 369 Time 4:50 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN		X
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK		X

Secretary

Chairman

Motion: Senator Towe moved adoption of the following amendment:

New section. Section 4. Purchase or receipt of tobacco products by minors prohibited -- penalty. (1) It is unlawful for a person who is under 18 years of age to purchase or receive a tobacco product. (2) a person who violates this section shall be fined an amount not to exceed \$50.00". There being two nays and 6 ayes the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 S Bill No. 369 Time 4:51 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Rye moved adoption of the bill as amended. There
being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 378 Time 4:53 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved to table HB 378. There being no objections
the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date March 13, 1991 H Bill No. 849 Time 4:55 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved to table HB 849. There being no
objections the motion carried.

DATE: 3/11/91

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

HB 111, HB 341, HB 515, HB 587 VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Kirk Hanson	MT ASSO. OF PRIVATE PRACTICE P.T.'S	HB 341	✓	
Lorin Wright	MT. Assoc. APTA	HB 341	✓	
Gail Wheatley	MT APTA	HB 341	✓	
Deanne Lewis	South Central District mtdap	HB 341	✓	
GARY Lusin	MT APTA	HB 341	✓	
Carrie Hajdisek	MT APTA	HB 341	✓	
Bill Wagner	MT Views School	HB 515	✓	
JERRY CONNOLLY	MT Physicte Therapists	HB 341	✓	
Kate Cholewa	Self	HB 341		✓
Diane Sands	Self	HB 341		✓
Zathy Campavoli	Mont. Nurses Ass. Mont NP State Interest Group	HB 111	✓	
Phyllis T. Hendon	mt. Med ASSN	H 341	✓	
Tom T. Hendon	" " "	H 111	✓	
John Delano		341	-	
Jim Feidholt	Massage Therapist	341	✓	
Neb Kimmel	Mont. Nat'l. Ass. Massage Therapists - Massage	341		
Debra Skorroek	Massage Therapist	341	✓	
Kate Stewart	Massage Therapist	341		
Jennifer Schmidt	Massage Therapist	341	✓	
Tom Rutenber	Massage Therapist	341	✓	
Mona Jensen	PT Assoc.	341	✓	
Christa Jensen	Massage Therapist	341	✓	
Colleen Jensen	Massage therapist	341	✓	

(Please leave prepared statement with Secretary)