

1 HOUSE BILL NO. 87  
 2 INTRODUCED BY B. MERCER  
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO LICENSING  
 6 BOARDS; ESTABLISHING STANDARDS FOR APPOINTMENTS, QUALIFICATIONS, AND TERMS FOR  
 7 LICENSING BOARDS; PROVIDING FOR STANDARDIZED LICENSING BOARD ORGANIZATION AND  
 8 COMPENSATION; REVISING REQUIREMENTS TO REVIEW REQUESTS TO CREATE A NEW LICENSING  
 9 BOARD; ADDING LICENSING PROGRAMS TO THE REVIEW REQUIRED FOR NEW LICENSING BOARDS;  
 10 AMENDING SECTIONS 2-8-401, 2-8-402, 2-15-1730, 2-15-1731, 2-15-1732, 2-15-1733, 2-15-1734, 2-15-  
 11 1735, 2-15-1736, 2-15-1737, 2-15-1738, 2-15-1739, 2-15-1740, 2-15-1741, 2-15-1742, 2-15-1743, 2-15-1744,  
 12 2-15-1747, 2-15-1748, 2-15-1749, 2-15-1750, 2-15-1751, 2-15-1753, 2-15-1756, 2-15-1757, 2-15-1758, 2-15-  
 13 1761, 2-15-1763, 2-15-1764, 2-15-1765, 2-15-1771, 2-15-1773, 2-15-1781, AND 2-15-1782, MCA;  
 14 REPEALING SECTION 2-8-403, MCA; AND PROVIDING AN EFFECTIVE DATE."

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17  
18 NEW SECTION. **Section 1. Appointment -- qualifications -- terms.** (1) The governor shall appoint  
19 the members of a board designated under 2-15-1730 through 2-15-1782 in accordance with this section and  
20 with the consent of the senate.

21 (2) The governor shall have the authority to remove members of the board with or without cause. A  
22 board member who misses three meetings over a period of 1 year without good cause must be removed from  
23 the board automatically.

24 (3) Each board must be composed of professional and public members.

25 (4) Each professional member of a board must, while serving as a board member:

26 (a) be a resident of this state and at least 18 years of age; and

27 (b) be currently practicing in the profession or occupation and have an active license in this state in  
28 good standing for the profession or occupation in which the member is appointed to serve. For the purposes of

1           **"2-15-1730. Alternative health care board -- composition -- terms -- allocation.** (1) There ~~In~~  
2 accordance with [section 1], there is an alternative health care board.

3           (2) The board consists of six members ~~appointed by the governor with the consent of the senate.~~  
4 ~~The members are:~~

5           (a) two ~~persons~~ members from each of the health care professions regulated by the board ~~who~~  
6 ~~have been actively engaged in the practice of their respective professions for at least 3 years preceding~~  
7 ~~appointment to the board;~~

8           (b) ~~one public member who is not a member of a profession regulated by the board; and~~

9           ~~(e)~~(b) one member who is a Montana physician whose practice includes obstetrics; and

10           (c) one public member.

11           ~~(3) The members must have been residents of this state for at least 3 years before appointment to the~~  
12 ~~board.~~

13           ~~(4) All members shall serve staggered 4 year terms. The governor may remove a member from the~~  
14 ~~board for neglect of a duty required by law, for incompetency, or for unprofessional or dishonorable conduct.~~

15           ~~(5)~~(3) The board is allocated to the department for administrative purposes only, as prescribed in 2-  
16 15-121."

17  
18           **Section 6.** Section 2-15-1731, MCA, is amended to read:

19           **"2-15-1731. Board of medical examiners.** (1) There ~~In~~ accordance with [section 1], there is a  
20 Montana state board of medical examiners.

21           (2) The board consists of 13 members ~~appointed by the governor with the consent of the senate.~~  
22 ~~Appointments made when the legislature is not in session may be confirmed at the next session.;~~

23           ~~(3) The members are:~~

24           (a) five members ~~having the degree of doctor of medicine~~ doctors of medicine, including one  
25 ~~member with experience in emergency medicine;~~

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

27           (c) one member ~~who is a licensed podiatrist;~~

28           (d) one member ~~who is a licensed nutritionist;~~

- 1 (e) ~~one member who is a licensed physician assistant;~~
- 2 (f) ~~one member who is a licensed acupuncturist;~~
- 3 (g) ~~one member who is a volunteer emergency care provider, as defined in 50-6-202, who may be~~
- 4 ~~a volunteer emergency care provider; and~~

5 (h) two public members of the general public who are not medical practitioners who are not  
 6 medical practitioners.

7 ~~(4) (a) The members having the degree of doctor of medicine may not be from the same county.~~

8 ~~(b) The volunteer emergency care provider must have a demonstrated interest in and knowledge of~~  
 9 ~~state and national issues involving emergency medical service and community integrated health care.~~

10 ~~(c) Each member must be a citizen of the United States.~~

11 ~~(d) Each member, except for public members, must have been licensed and must have practiced~~  
 12 ~~medicine, acupuncture, emergency medical care, or dietetics-nutrition in this state for at least 5 years and must~~  
 13 ~~have been a resident of this state for at least 5 years.~~

14 ~~(5) Members shall serve staggered 4-year terms. A term begins on September 1 of each year of~~  
 15 ~~appointment. A member may be removed by the governor for neglect of duty, incompetence, or unprofessional~~  
 16 ~~or dishonorable conduct.~~

17 (3) (a) The members having the degree of doctor of medicine may not be from the same county.

18 (b) The emergency care provider must have a demonstrated interest in and knowledge of state  
 19 and national issues involving emergency medical service and community-integrated health care.

20 (c) Each member must be a citizen of the United States.

21 (d) Each member, except for public members, must have been licensed and must have practiced  
 22 medicine, podiatry, acupuncture, emergency medical care, or dietetics-nutrition in this state for at least 5 years  
 23 and must have been a resident of this state for at least 5 years.

24 (4) Members shall serve staggered 4-year terms. A term begins on September 1 of each year of  
 25 appointment. A member may be removed by the governor for neglect of duty, incompetence, or unprofessional  
 26 or dishonorable conduct.

27 ~~(6)(3)(5)~~ The board is allocated to the department for administrative purposes only for  
 28 administrative purposes only as prescribed in 2-15-121."