

HOUSE BILL NO. 109

INTRODUCED BY S. FITZPATRICK

BY REQUEST OF THE ECONOMIC AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO PROFESSIONAL LICENSING TO CORRECT ERRATA; REVISING STATUTORY CITATIONS FOR LICENSED SOCIAL WORKERS, PROFESSIONAL COUNSELORS, ADDICTION COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS; AND AMENDING SECTION 28-2-724, MCA."

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

Section 1. Section 28-2-724, MCA, is amended to read:

"28-2-724. Prohibition of contracts that restrict practice -- applicability -- exceptions. (1) A

contract that creates or establishes the terms of employment, a partnership, or any other form of professional relationship with a health care provider described in subsection (2), may not restrict the right of the health care provider to:

(a) practice or provide services for which the provider is licensed, in any geographic area and for any period, after the termination of the employment, partnership, or other form of professional relationship;

(b) treat, advise, consult with, or establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship; or

(c) solicit or seek to establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship.

(2) The requirements of subsection (1) apply to contracts or agreements involving the following health care providers:

(a) a psychiatrist or addiction medicine physician licensed under Title 37, chapter 3;

(b) a psychologist licensed under Title 37, chapter 17;

(c) a social worker licensed under Title 37, chapter 22 39;

(d) a professional counselor licensed under Title 37, chapter 23 39;

1 (e) an addiction counselor licensed under Title 37, chapter ~~35~~39;

2 (f) a marriage and family therapist licensed under Title 37, chapter ~~37~~39; and

3 (g) a behavioral health peer support specialist licensed under Title 37, chapter ~~38~~39.

4 (3) This section does not apply to a contract in connection with the sale and purchase of a

5 practice."

6

7 NEW SECTION. **Section 2. Directions to code commissioner.** Section 37-23-104 is intended to be

8 renumbered into Title 37, chapter 39.

9 - END -