



1 circumstances in a similar timeframe; and

2 WHEREAS, those physicians who follow their medical judgment and the latest scientific evidence are  
3 able to offer new therapeutic options with off-label use of medications when standard treatment regimens are  
4 nonexistent or when standard treatment regimens fail.

5 THEREFORE, the Legislature enacts this act to provide important protections for health care providers  
6 and to address health care workforce shortages in Montana.

7

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

9

10 NEW SECTION. **Section 1. Dismissal of charges against health care provider.** (1) A health care  
11 provider, as defined in 50-16-504, may move to dismiss a complaint, information, or indictment against the  
12 provider that is based on the provider's conduct in providing health care, including but not limited to off-label  
13 use of medications when medically appropriate and evidence based, in the ordinary course of business or  
14 practice of the provider's profession.

15 (2) The court shall hold a hearing on the motion as quickly as is reasonably practicable. At the  
16 hearing, the state shall prove by a preponderance of the evidence that the conduct on which the complaint,  
17 information, or indictment is based was:

- 18 (a) knowingly or purposely committed and not merely negligent; and
- 19 (b) outside the accepted standards of care for the health care provider.

20 (3) If the state does not meet its burden under subsection (2), the court shall dismiss the  
21 complaint, information, or indictment against the health care provider.

22

23 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
24 integral part of Title 46, chapter 13, part 4, and the provisions of Title 46, chapter 13, part 4, apply to [section 1].

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