

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO EMERGENCY CARE
5 PROVIDERS; TRANSFERRING LICENSING OVERSIGHT FOR EMERGENCY CARE PROVIDERS FROM
6 THE BOARD OF MEDICAL EXAMINERS TO THE DEPARTMENT OF LABOR AND INDUSTRY; REVISING
7 THE MEMBERSHIP OF THE BOARD OF MEDICAL EXAMINERS; REVISING LAWS RELATED TO MEDICAL
8 CARE STANDARDS; REVISING DEFINITIONS; DEFINING "COMMUNITY-INTEGRATED HEALTH CARE";
9 PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY; AMENDING
10 SECTIONS 2-15-1731, 37-1-401, 37-3-102, 37-3-203, 39-71-118, 50-6-104, 50-6-105, 50-6-201, 50-6-202, 50-
11 6-203, 50-6-302, 50-6-323, 50-32-603, AND 61-2-502, MCA; AND PROVIDING A DELAYED EFFECTIVE
12 DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 **Section 1.** Section 2-15-1731, MCA, is amended to read:

17 **"2-15-1731. Board of medical examiners.** (1) In accordance with 37-1-123, there is a Montana state
18 board of medical examiners.

19 (2) The board consists of ~~12~~11 members:

20 (a) five doctors of medicine, including one with experience in emergency medicine, none of whom
21 may be from the same county;

22 (b) one doctor of osteopathy;

23 (c) one podiatrist;

24 (d) one nutritionist;

25 (e) one physician assistant; and

26 (f) ~~one emergency care provider, as defined in 50-6-202, who may be a volunteer emergency care~~
27 ~~provider; and~~

28 (g) (f) two public members.

1 (3) The board is allocated to the department as prescribed in 2-15-121."

2

3 **Section 2.** Section 37-1-401, MCA, is amended to read:

4 **"37-1-401. (Temporary) Uniform regulation for licensing programs without boards --**

5 **definitions.** As used in this part, the following definitions apply:

6 (1) "Complaint" means a written allegation filed with the department that, if true, warrants an
7 injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

8 (2) "Department" means the department of labor and industry provided for in 2-15-1701.

9 (3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the
10 department, with respect to a complaint or other information before the department, that is carried out for the
11 purpose of determining:

12 (a) whether a person has violated a provision of law justifying discipline against the person;

13 (b) the status of compliance with a stipulation or order of the department;

14 (c) whether a license should be granted, denied, or conditionally issued; or

15 (d) whether the department should seek an injunction.

16 (4) "License" means permission in the form of a license, permit, endorsement, certificate,
17 recognition, or registration granted by the state of Montana to engage in a business activity or practice at a
18 specific level in a profession or occupation governed by:

19 (a) Title 37, chapter 2, part 6;

20 (b) Title 37, chapter 16, 40, 56, 60, 72, or 73; or

21 (c) Title 50, chapter 6, 39, 74, or 76.

22 (5) "Profession" or "occupation" means a profession or occupation regulated by the department
23 under the provisions of:

24 (a) Title 37, chapter 2, part 6;

25 (b) Title 37, chapter 16, 40, 49, 56, 60, 72, or 73; or

26 (c) Title 50, chapter 6, 39, 74, or 76. (Terminates June 30, 2031--sec. 10, Ch. 628, L. 2023.)

27 **37-1-401. (Effective July 1, 2031) Uniform regulation for licensing programs without boards --**

28 **definitions.** As used in this part, the following definitions apply:

1 (1) "Complaint" means a written allegation filed with the department that, if true, warrants an
2 injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

3 (2) "Department" means the department of labor and industry provided for in 2-15-1701.

4 (3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the
5 department, with respect to a complaint or other information before the department, that is carried out for the
6 purpose of determining:

7 (a) whether a person has violated a provision of law justifying discipline against the person;

8 (b) the status of compliance with a stipulation or order of the department;

9 (c) whether a license should be granted, denied, or conditionally issued; or

10 (d) whether the department should seek an injunction.

11 (4) "License" means permission in the form of a license, permit, endorsement, certificate,
12 recognition, or registration granted by the state of Montana to engage in a business activity or practice at a
13 specific level in a profession or occupation governed by:

14 (a) Title 37, chapter 16, 40, 56, 60, 72, or 73; or

15 (b) Title 50, chapter 6, 39, 74, or 76.

16 (5) "Profession" or "occupation" means a profession or occupation regulated by the department
17 under the provisions of:

18 (a) Title 37, chapter 16, 40, 49, 56, 60, 72, or 73; or

19 (b) Title 50, chapter 6, 39, 74, or 76."

20

21 **Section 3.** Section 37-3-102, MCA, is amended to read:

22 **"37-3-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions
23 apply:

24 (1) "ACGME" means the accreditation council for graduate medical education.

25 (2) "AOA" means the American osteopathic association.

26 (3) "Approved internship" means an internship training program of at least 1 year in a program that
27 either is approved for intern training by the AOA or conforms to the standards for intern training established by
28 the ACGME or successors. However, the board may, upon investigation, approve any other internship.

1 (4) "Approved medical school" means a school that either is accredited by the AOA or conforms to
2 the education standards established by the LCME or the world health organization or successors for medical
3 schools that meet standards established by the board by rule.

4 (5) "Approved residency" means a residency training program conforming to the standards for
5 residency training established by the ACGME or successors or approved for residency training by the AOA.

6 (6) "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

7 ~~(7) "Community-integrated health care" means the provision of out-of-hospital medical services
8 that an emergency care provider with an endorsement may provide as determined by board rule.~~

9 ~~(8) (7) "Department" means the department of labor and industry provided for in Title 2, chapter 15,
10 part 17.~~

11 ~~(9) "Emergency care provider" or "ECP" means a person licensed by the board, including but not
12 limited to an emergency medical responder, an emergency medical technician, an advanced emergency
13 medical technician, or a paramedic. An emergency care provider with an endorsement may provide community-
14 integrated health care.~~

15 ~~(10) (8) "LCME" means the liaison committee on medical education.~~

16 ~~(11) (9) "Medical assistant" means an unlicensed allied health care worker who functions under the
17 supervision of a physician, physician assistant, or podiatrist in a physician's or podiatrist's office and who
18 performs administrative and clinical tasks.~~

19 ~~(12) (10) "Physician" means a person who holds a degree as a doctor of medicine or doctor of
20 osteopathy and who has a valid license to practice medicine or osteopathic medicine in this state.~~

21 ~~(13) (11) "Practice of medicine" means the diagnosis, treatment, or correction of or the attempt
22 to or the holding of oneself out as being able to diagnose, treat, or correct human conditions, ailments,
23 diseases, injuries, or infirmities, whether physical or mental, by any means, methods, devices, or
24 instrumentalities, including electronic and technological means such as telemedicine. If a person who does not
25 possess a license to practice medicine in this state under this chapter and who is not exempt from the licensing
26 requirements of this chapter performs acts constituting the practice of medicine, the person is practicing
27 medicine in violation of this chapter.~~

28 ~~(14) (12) "Store-and-forward technology" means electronic information, imaging, and~~

1 communication that is transferred, recorded, or otherwise stored in order to be reviewed at a later date by a
2 health care provider or health care facility at a distant site without the patient present in real time. The term
3 includes interactive audio, video, and data communication.

4 ~~(15)~~ (13) (a) "Telemedicine" means the practice of medicine using interactive electronic
5 communications, information technology, audio-only conversations, or other means between a licensee in one
6 location and a patient in another location with or without an intervening health care provider. Telemedicine
7 includes the application of secure videoconferencing or store-and-forward technology.

8 (b) The term does not mean an e-mail or instant messaging conversation or a message sent by
9 facsimile transmission.

10 (c) For physicians providing written certification of a debilitating medical condition pursuant to 16-
11 12-509, the term does not include audio-only communication unless the physician has previously established a
12 physician-patient relationship through an in-person encounter."
13

14 **Section 4.** Section 37-3-203, MCA, is amended to read:

15 **"37-3-203. Powers and duties -- rulemaking authority.** (1) The board may:

16 (a) adopt rules necessary or proper to carry out the requirements in this chapter and of chapters
17 covering podiatry, physician assistants, and nutritionists, ~~and emergency care providers~~ as set forth in Title 37,
18 chapters 6, 20, and 25, ~~and 50-6-203,~~ respectively. ~~Rules adopted for emergency care providers with an~~
19 ~~endorsement to provide community-integrated health care must address the scope of practice, competency~~
20 ~~requirements, and educational requirements.~~

21 (b) hold hearings and take evidence in matters relating to the exercise and performance of the
22 powers and duties vested in the board;

23 (c) aid the county attorneys of this state in the enforcement of parts 1 through 4 and 8 of this
24 chapter as well as Title 37, chapters 6, 20, and 25, ~~and Title 50, chapter 6, regarding emergency care providers~~
25 ~~licensed by the board.~~ The board also may assist the county attorneys of this state in the prosecution of
26 persons, firms, associations, or corporations charged with violations of the provisions listed in this subsection
27 (1)(c).

28 (d) review certifications of disability and determinations of eligibility for a permit to hunt from a

1 vehicle as provided in 87-2-803(11); and

2 (e) fund additional staff, hired by the department, to administer the provisions of this chapter, by
3 increasing license fees as necessary.

4 (2) (a) The board shall establish a medical assistance program to assist and rehabilitate licensees
5 who are subject to the jurisdiction of the board and who are found to be physically or mentally impaired by
6 habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by
7 mental illness or chronic physical illness.

8 (b) The board shall ensure that a licensee who is required or volunteers to participate in the
9 medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed
10 to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a
11 qualified treatment program outside the state unless the board finds that there is no qualified treatment program
12 in this state.

13 (3) (a) The board shall report annually on the number and types of complaints it has received
14 involving physician practices in providing written certification, as defined in 16-12-502, for the use of marijuana
15 for a debilitating medical condition provided for in Title 16, chapter 12, part 5. The report must contain:

16 (i) the number of complaints received by the board pursuant to 37-1-308;

17 (ii) the number of complaints for which a reasonable cause determination was made pursuant to
18 37-1-307;

19 (iii) the general nature of the complaints;

20 (iv) the number of investigations conducted into physician practices in providing written
21 certification; and

22 (v) the number of physicians disciplined by the board for their practices in providing written
23 certification for the use of marijuana for a debilitating medical condition.

24 (b) Except as provided in subsection (3)(c), the report may not contain individual identifying
25 information regarding the physicians about whom the board received complaints.

26 (c) For each physician against whom the board takes disciplinary action related to the physician's
27 practices in providing written certification for the use of marijuana for a debilitating medical condition, the report
28 must include:

- 1 (i) the name of the physician;
- 2 (ii) the general results of the investigation of the physician's practices; and
- 3 (iii) the disciplinary action taken against the physician.
- 4 (d) The board shall provide the report to the economic affairs interim committee in accordance with
- 5 5-11-210 and shall make a copy of the report available on the board's website.
- 6 (4) The board may enter into agreements with other states for the purposes of mutual recognition
- 7 of licensing standards and licensing of physicians and ~~emergency care providers~~ from other states under the
- 8 terms of a mutual recognition agreement."

9

10 **Section 5.** Section 39-71-118, MCA, is amended to read:

11 **"39-71-118. Employee, worker, volunteer, volunteer firefighter, and volunteer emergency care**
12 **provider defined -- election of coverage.** (1) As used in this chapter, the term "employee" or "worker" means:

13 (a) each person in this state, including a contractor other than an independent contractor, who is in
14 the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or
15 implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of
16 the elected and appointed paid public officers and officers and members of boards of directors of quasi-public
17 or private corporations, except those officers identified in 39-71-401(2), while rendering actual service for the
18 corporations for pay. Casual employees, as defined by 39-71-116, are included as employees if they are not
19 otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of
20 the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic
21 employment is excluded.

22 (b) any juvenile who is performing work under authorization of a district court judge in a
23 delinquency prevention or rehabilitation program;

24 (c) a person who is receiving on-the-job vocational rehabilitation training or other on-the-job
25 training under a state or federal vocational training program, whether or not under an appointment or contract of
26 hire with an employer, as defined in 39-71-117, and, except as provided in subsection (7), whether or not
27 receiving payment from a third party. However, this subsection (1)(c) does not apply to students enrolled in
28 vocational training programs, as outlined in this subsection, while they are on the premises of a public school or

1 community college.

2 (d) an aircrew member or other person who is employed as a volunteer under 67-2-105;

3 (e) a person, other than a juvenile as described in subsection (1)(b), who is performing community
4 service for a nonprofit organization or association or for a federal, state, or local government entity under a
5 court order, or an order from a hearings officer as a result of a probation or parole violation, whether or not
6 under appointment or contract of hire with an employer, as defined in 39-71-117, and whether or not receiving
7 payment from a third party. For a person covered by the definition in this subsection (1)(e):

8 (i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an
9 impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39,
10 chapter 3, part 4, for a full-time employee at the time of the injury; and

11 (ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon
12 the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service
13 required under the order from the court or hearings officer.

14 (f) an inmate working in a federally certified prison industries program authorized under 53-30-
15 132;

16 (g) a volunteer firefighter as described in 7-33-4109 or a person who provides ambulance services
17 under Title 7, chapter 34, part 1;

18 (h) a person placed at a public or private entity's worksite pursuant to 53-4-704. The person is
19 considered an employee for workers' compensation purposes only. The department of public health and human
20 services shall provide workers' compensation coverage for recipients of cash assistance, as defined in 53-4-
21 201, or for participants in the food stamp program, as defined in 53-2-902, who are placed at public or private
22 worksites through an endorsement to the department of public health and human services' workers'
23 compensation policy naming the public or private worksite entities as named insureds under the policy. The
24 endorsement may cover only the entity's public assistance participants and may be only for the duration of each
25 participant's training while receiving cash assistance or while participating in the food stamp program under a
26 written agreement between the department of public health and human services and each public or private
27 entity. The department of public health and human services may not provide workers' compensation coverage
28 for individuals who are covered for workers' compensation purposes by another state or federal employment

1 training program. Premiums and benefits must be based upon the wage that a probationary employee is paid
2 for work of a similar nature at the assigned worksite.

3 (i) subject to subsection (11), a member of a religious corporation, religious organization, or
4 religious trust while performing services for the religious corporation, religious organization, or religious trust, as
5 described in 39-71-117(1)(d); and

6 (j) a member of the army national guard or air national guard while performing state military duty
7 as defined in 10-1-1003.

8 (2) The terms defined in subsection (1) do not include a person who is:

9 (a) performing voluntary service at a recreational facility and who receives no compensation for
10 those services other than meals, lodging, or the use of the recreational facilities;

11 (b) performing services as a volunteer, except for a person who is otherwise entitled to coverage
12 under the laws of this state. As used in this subsection (2)(b), "volunteer" means a person who performs
13 services on behalf of an employer, as defined in 39-71-117, but who does not receive wages as defined in 39-
14 71-123.

15 (c) serving as a foster parent, licensed as a foster care provider in accordance with 52-2-621, and
16 providing care without wage compensation to no more than six foster children in the provider's own residence.
17 The person may receive reimbursement for providing room and board, obtaining training, respite care, leisure
18 and recreational activities, and providing for other needs and activities arising in the provision of in-home foster
19 care.

20 (d) performing temporary agricultural work for an employer if the person performing the work is
21 otherwise exempt from the requirement to obtain workers' compensation coverage under 39-71-401(2)(r) with
22 respect to a company that primarily performs agricultural work at a fixed business location or under 39-71-
23 401(2)(d) and is not required to obtain an independent contractor's exemption certificate under 39-71-417
24 because the person does not regularly perform agricultural work away from the person's own fixed business
25 location. For the purposes of this subsection, the term "agricultural" has the meaning provided in 15-1-
26 101(1)(a).

27 (3) With the approval of the insurer, an employer may elect to include as an employee under the
28 provisions of this chapter a volunteer as defined in subsection (2)(b) or a volunteer firefighter as defined in 7-

1 33-4510.

2 (4) (a) If the employer is a partnership, limited liability partnership, sole proprietor, or a member-
3 managed limited liability company, the employer may elect to include as an employee within the provisions of
4 this chapter any member of the partnership or limited liability partnership, the owner of the sole proprietorship,
5 or any member of the limited liability company devoting full time to the partnership, limited liability partnership,
6 proprietorship, or limited liability company business.

7 (b) In the event of an election, the employer shall serve upon the employer's insurer written notice
8 naming the partners, sole proprietor, or members to be covered and stating the level of compensation coverage
9 desired by electing the amount of wages to be reported, subject to the limitations in subsection (4)(d). A
10 partner, sole proprietor, or member is not considered an employee within this chapter until notice has been
11 given.

12 (c) A change in elected wages must be in writing and is effective at the start of the next quarter
13 following notification.

14 (d) All weekly compensation benefits must be based on the amount of elected wages, subject to
15 the minimum and maximum limitations of this subsection (4)(d). For premium ratemaking and for the
16 determination of the weekly wage for weekly compensation benefits, the electing employer may elect an
17 amount of not less than \$900 a month and not more than 1½ times the state's average weekly wage.

18 (5) (a) If the employer is a quasi-public or a private corporation or a manager-managed limited
19 liability company, the employer may elect to include as an employee within the provisions of this chapter any
20 corporate officer or manager exempted under 39-71-401(2).

21 (b) In the event of an election, the employer shall serve upon the employer's insurer written notice
22 naming the corporate officer or manager to be covered and stating the level of compensation coverage desired
23 by electing the amount of wages to be reported, subject to the limitations in subsection (5)(d). A corporate
24 officer or manager is not considered an employee within this chapter until notice has been given.

25 (c) A change in elected wages must be in writing and is effective at the start of the next quarter
26 following notification.

27 (d) For the purposes of an election under this subsection (5), all weekly compensation benefits
28 must be based on the amount of elected wages, subject to the minimum and maximum limitations of this

1 subsection (5)(d). For premium ratemaking and for the determination of the weekly wage for weekly
2 compensation benefits, the electing employer may elect an amount of not less than \$200 a week and not more
3 than 1 1/2 times the state's average weekly wage.

4 (6) Except as provided in Title 39, chapter 8, an employee or worker in this state whose services
5 are furnished by a person, association, contractor, firm, limited liability company, limited liability partnership, or
6 corporation, other than a temporary service contractor, to an employer, as defined in 39-71-117, is presumed to
7 be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-
8 117(3).

9 (7) (a) A student currently enrolled in an elementary, secondary, or postsecondary educational
10 institution who is participating in work-based learning activities and who is paid wages by the educational
11 institution or business partner is the employee of the entity that pays the student's wages for all purposes under
12 this chapter.

13 (b) An elementary or secondary student who is not paid wages by the business partner or the
14 educational institution in which the student is enrolled is a volunteer for whom coverage must be provided. The
15 business partner and the educational institution shall mutually determine and agree in writing whether the
16 business partner or the educational institution shall elect coverage for the student.

17 (8) For purposes of this section, an "employee or worker in this state" means:

18 (a) a resident of Montana who is employed by an employer and whose employment duties are
19 primarily carried out or controlled within this state;

20 (b) a nonresident of Montana whose principal employment duties are conducted within this state
21 on a regular basis for an employer;

22 (c) a nonresident employee of an employer from another state engaged in the construction
23 industry, as defined in 39-71-116, within this state; or

24 (d) a nonresident of Montana who does not meet the requirements of subsection (8)(b) and whose
25 employer elects coverage with an insurer that allows an election for an employer whose:

26 (i) nonresident employees are hired in Montana;

27 (ii) nonresident employees' wages are paid in Montana;

28 (iii) nonresident employees are supervised in Montana; and

1 (iv) business records are maintained in Montana.

2 (9) An insurer may require coverage for all nonresident employees of a Montana employer who do
3 not meet the requirements of subsection (8)(b) or (8)(d) as a condition of approving the election under
4 subsection (8)(d).

5 (10) (a) An ambulance service not otherwise covered by subsection (1)(g) or a paid or volunteer
6 nontransporting medical unit, as defined in 50-6-302, in service to a town, city, or county may elect to include as
7 an employee within the provisions of this chapter a volunteer emergency care provider who serves public safety
8 through the ambulance service not otherwise covered by subsection (1)(g) or the paid or volunteer
9 nontransporting medical unit. The ambulance service or nontransporting medical unit may purchase workers'
10 compensation coverage from any entity authorized to provide workers' compensation coverage under plan No.
11 1, 2, or 3 as provided in this chapter.

12 (b) If there is an election under subsection (10)(a), the employer shall report payroll for all
13 volunteer emergency care providers for premium and weekly benefit purposes based on the number of
14 volunteer hours of each emergency care provider, but no more than 60 hours, times the state's average weekly
15 wage divided by 40 hours.

16 (c) An ambulance service not otherwise covered by subsection (1)(g) or a paid or volunteer
17 nontransporting medical unit, as defined in 50-6-302, may make a separate election to provide benefits as
18 described in this subsection (10) to a member who is either a self-employed sole proprietor or partner who has
19 elected not to be covered under this chapter, but who is covered as a volunteer emergency care provider
20 pursuant to subsection (10)(a). When injured in the course and scope of employment as a volunteer emergency
21 care provider, a member may instead of the benefits described in subsection (10)(b) be eligible for benefits at
22 an assumed wage of the minimum wage established under Title 39, chapter 3, part 4, for 2,080 hours a year. If
23 the separate election is made as provided in this subsection (10), payroll information for those self-employed
24 sole proprietors or partners must be reported and premiums must be assessed on the assumed weekly wage.

25 (d) A volunteer emergency care provider who receives workers' compensation coverage under this
26 section may not receive disability benefits under Title 19, chapter 17, if the individual is also eligible as a
27 volunteer firefighter.

28 (e) An ambulance service not otherwise covered by subsection (1)(g) or a nontransporting medical

1 unit, as defined in 50-6-302, that does not elect to purchase workers' compensation coverage for its volunteer
2 emergency care providers under the provisions of this section shall annually notify its volunteer emergency care
3 providers that coverage is not provided.

4 (f) (i) The term "volunteer emergency care provider" means a person who is licensed by the board
5 of ~~medical examiners~~ department as provided in Title 50, chapter 6, part 2, and who serves the public through
6 an ambulance service not otherwise covered by subsection (1)(g) or a paid or volunteer nontransporting
7 medical unit, as defined in 50-6-302, in service to a town, city, or county.

8 (ii) The term does not include a volunteer emergency care provider who serves an employer as
9 defined in 7-33-4510.

10 (g) The term "volunteer hours" means the time spent by a volunteer emergency care provider in
11 the service of an employer or as a volunteer for a town, city, or county, including but not limited to training time,
12 response time, and time spent at the employer's premises.

13 (11) The definition of "employee" or "worker" in subsection (1)(i) is limited to implementing the
14 administrative purposes of this chapter and may not be interpreted or construed to create an employment
15 relationship in any other context."

16

17 **Section 6.** Section 50-6-104, MCA, is amended to read:

18 **"50-6-104. Interdepartmental cooperation required.** The department of public health and human
19 services, the ~~board of medical examiners~~ department of labor and industry, and other interested departments or
20 divisions shall develop in writing a mutually agreeable plan of cooperation so that governmental efforts are not
21 duplicated and governmental resources are applied on a reasonable priority basis."

22

23 **Section 7.** Section 50-6-105, MCA, is amended to read:

24 **"50-6-105. Medical care standards -- review process.** (1) The ~~board of medical examiners~~
25 department of labor and industry, in consultation with the department of public health and human services, shall
26 establish patient care standards for:

27 (a) out-of-hospital emergency medical treatment and interfacility transportation; and

28 (b) community-integrated health care.

1 (2) (a) Complaints involving out-of-hospital care, interfacility care, community-integrated health
 2 care, patient care within a health care facility, or the operation of an emergency medical service, as defined in
 3 50-6-302, must be filed with the ~~board and reviewed by a screening panel pursuant to 37-1-307~~ department of
 4 labor and industry pursuant to 37-1-402.

5 (b) If a complaint is initially filed with the department of public health and human services, ~~the~~
 6 ~~department it~~ shall refer the complaint to the ~~board for review by a screening panel~~ department of labor and
 7 industry.

8 (3) (a) When a complaint involves the operation or condition of an emergency medical service, the
 9 ~~screening panel shall~~ department of labor and industry shall refer the complaint to the department of public
 10 health and human services for investigation as provided in 50-6-323.

11 (b) ~~When a complaint involves patient care provided by an emergency care provider, the screening~~
 12 ~~panel shall:~~

13 (i) ~~refer the complaint to the board for investigation as provided in 37-1-308 and 50-6-203 ; and~~

14 (ii) ~~forward to the department the complaint and the results of the screening panel's initial review~~
 15 ~~as soon as the review is completed.~~

16 (e) (b) When a complaint involves a combination of patient care and emergency medical service
 17 matters, the ~~screening panel~~ department of labor and industry shall refer the complaint to ~~both the department~~
 18 of public health and human services and ~~the board~~ for matters that fall within ~~the its~~ jurisdiction of ~~each~~ entity.

19 (4) For a complaint involving patient care, the ~~board~~ department of labor and industry shall:

20 (a) immediately share with the department of public health and human services any information
 21 indicating:

22 (i) a potential violation of department of public health and human services rules; or

23 (ii) that the existing policies or practices of an emergency medical service may be jeopardizing
 24 patient care; and

25 (b) notify the department of public health and human services when:

26 (i) a sanction is imposed on an emergency care provider; or

27 (ii) the complaint is resolved.

28 (5) For a complaint involving an emergency medical service, the department of public health and

1 human services shall:

2 (a) immediately share with the ~~board~~ department of labor and industry any information indicating:

3 (i) a potential violation of ~~board~~ department of labor and industry rules; or

4 (ii) that the practices of an emergency care provider may be jeopardizing patient care; and

5 (b) notify the ~~board~~ department of labor and industry when:

6 (i) a sanction is imposed on an emergency medical service; or

7 (ii) the complaint is resolved."

8

9 **Section 8.** Section 50-6-201, MCA, is amended to read:

10 **"50-6-201. Legislative findings -- duty of ~~board~~ department of labor and industry.** (1) The

11 legislature finds and declares that a program for emergency care providers is required in order to provide the
12 safest and most efficient delivery of emergency and community-integrated health care.

13 (2) The legislature further finds that prompt and efficient emergency medical care of the sick and
14 injured at the scene and during transport to a health care facility is important in reducing the mortality and
15 morbidity rate during the first critical minutes immediately after an accident or the onset of an emergent
16 condition.

17 (3) The legislature further finds that emergency care providers can help fill gaps in the state's
18 health care system, particularly in rural communities with limited health care services and providers, by
19 providing:

20 (a) community-integrated health care to prevent illness and injury; and

21 (b) patient care within a health care facility that is appropriate to a patient's needs and the
22 emergency care provider's training.

23 (4) The ~~board~~ department of labor and industry has a duty to ensure that emergency care
24 providers are properly licensed and provide proper treatment to patients in their care."

25

26 **Section 9.** Section 50-6-202, MCA, is amended to read:

27 **"50-6-202. Definitions.** As used in this part, the following definitions apply:

28 (1) ~~—"Board" means the Montana state board of medical examiners provided for in 2-15-1731.~~

1 (1) "Community-integrated health care" means the provision of out-of-hospital medical services
2 that an emergency care provider with an endorsement may provide as determined by department of labor and
3 industry rule.

4 (2) "Emergency care provider" means a person licensed by the ~~board~~ department of labor and
5 industry, including but not limited to an emergency medical responder, an emergency medical technician, an
6 advanced emergency medical technician, or a paramedic. An emergency care provider with an endorsement
7 may provide community-integrated health care.

8 (3) "Health care facility" has the meaning provided in 50-5-101.

9 (4) "Volunteer emergency care provider" means an individual who is licensed pursuant to this part
10 and provides out-of-hospital, emergency medical, or community-integrated health care, patient care within a
11 health care facility, or interfacility transport:

12 (a) on the days and at the times of the day chosen by the individual; and

13 (b) for an emergency medical service other than:

14 (i) a private ambulance company unless the care is provided without compensation and outside of
15 the individual's regular work schedule; or

16 (ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a
17 regular basis with a regular, hourly wage to provide emergency medical or community-integrated health care as
18 part of the individual's job duties."

19

20 **Section 10.** Section 50-6-203, MCA, is amended to read:

21 **"50-6-203. Rules.** (1) The ~~board~~ department of labor and industry, after consultation with the
22 department of public health and human services and other appropriate departments, associations, and
23 organizations, shall adopt rules ~~of the board~~ implementing this part, including but not limited to:

24 (a) training and licensure of emergency care providers;

25 (b) the administration of drugs by emergency care providers; and

26 (c) the handling of complaints involving patient care provided by emergency care providers.

27 (2) The ~~board~~ department of labor and industry may, by rule, establish various levels of emergency
28 care provider licensure and shall specify for each level the training requirements, acts allowed, relicensure

1 requirements, and any other requirements regarding the training, performance, or licensure of that level of
2 emergency care provider that it considers necessary, subject to the provisions of 37-1-138."

3

4 **Section 11.** Section 50-6-302, MCA, is amended to read:

5 **"50-6-302. Definitions.** As used in this part, unless the context requires otherwise, the following
6 definitions apply:

7 (1) "Aircraft" has the meaning provided in 67-1-101. The term includes any fixed-wing airplane or
8 helicopter.

9 (2) (a) "Ambulance" means a privately or publicly owned motor vehicle or aircraft that is maintained
10 and used for the transportation of patients.

11 (b) The term does not include:

12 (i) a motor vehicle or aircraft owned by or operated under the direct control of the United States;

13 or

14 (ii) air transportation services, such as charter or fixed-based operators, that are regulated by the
15 federal aviation administration and that offer no special medical services or provide only transportation to
16 patients or persons at the direction or under the supervision of an independent physician.

17 (3) "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

18 (4) "Community-integrated health care" means the provision of out-of-hospital medical services
19 that an emergency care provider with an endorsement may provide as determined by ~~board~~ department of
20 labor and industry rule.

21 (5) "Department" means the department of public health and human services provided for in 2-15-
22 2201.

23 (6) "Emergency medical service" means an out-of-hospital health care treatment service or
24 interfacility emergency medical transportation provided by an ambulance or nontransporting medical unit that is
25 licensed by the department to provide out-of-hospital health care treatment services or interfacility emergency
26 medical transportation, including community-integrated health care.

27 (7) "Nonemergency ambulance transport" means the use of an ambulance to transport a patient
28 between health care facilities, as defined in 50-5-101, including federal facilities, when the patient's medical

1 condition requires special transportation considerations, supervision, or handling but does not indicate a need
2 for medical treatment during transit or for emergency medical treatment upon arrival at the receiving health care
3 facility.

4 (8) "Nontransporting medical unit" means an aggregate of persons who are organized to respond
5 to a call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting
6 medical units provide any one of varying types and levels of service defined by department rule but may not
7 transport patients.

8 (9) "Offline medical direction" means the function of a board-licensed physician or physician
9 assistant in providing:

10 (a) medical oversight and supervision for an emergency medical service or an emergency care
11 provider; and

12 (b) review of patient care techniques, emergency medical service procedures, and quality of care.

13 (10) "Online medical direction" means the function of a board-licensed physician or physician
14 assistant or the function of a designee of the physician or physician assistant in providing direction, advice, or
15 orders to an emergency care provider for interfacility emergency medical transportation, out-of-hospital,
16 emergency medical, or community-integrated health care, or patient care within a health care facility as
17 identified in a plan for offline medical direction.

18 (11) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or
19 helpless.

20 (b) Unless otherwise defined by rule for community-integrated health care, the term does not
21 include an individual who is nonambulatory and who needs transportation assistance solely because that
22 individual is confined to a wheelchair as the individual's usual means of mobility.

23 (12) "Person" means an individual, firm, partnership, association, corporation, company, group of
24 individuals acting together for a common purpose, or organization of any kind, including a governmental agency
25 other than the United States.

26 (13) "Volunteer emergency care provider" means an individual who is licensed pursuant to Title 50,
27 chapter 6, part 2, and provides out-of-hospital, emergency medical, or community-integrated health care,
28 patient care within a health care facility, or interfacility emergency medical transportation:

- 1 (a) on the days and at the times of the day chosen by the individual; and
- 2 (b) for an emergency medical service other than:
 - 3 (i) a private ambulance company, unless the care is provided without compensation and outside
 - 4 of the individual's regular work schedule; or
 - 5 (ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a
 - 6 regular basis with a regular, hourly wage to provide emergency medical or community-integrated health care as
 - 7 part of the individual's job duties."

8

9 **Section 12.** Section 50-6-323, MCA, is amended to read:

10 **"50-6-323. Powers and duties of department.** (1) The department has general authority to

11 supervise and regulate emergency medical services in Montana.

12 (2) Upon referral by ~~a screening panel~~ the department of labor and industry pursuant to 50-6-105,

13 the department shall review and may investigate complaints relating to the operation of any emergency medical

14 service.

15 (3) In investigating a complaint, the department may review:

16 (a) the type and condition of equipment and procedures used by an emergency medical service to

17 provide care at the scene during prehospital or interfacility transportation or in other out-of-hospital care

18 settings;

19 (b) the condition of any vehicle or aircraft used as an ambulance;

20 (c) general performance by an emergency medical service; and

21 (d) the results of any investigation conducted by the ~~board~~ department of labor and industry

22 concerning patient care by an emergency care provider who was, at the time of the complaint, providing care

23 through the emergency medical service that is the subject of a complaint under investigation by the department.

24 (4) Upon completion of an investigation as provided in subsection (3), the department shall take

25 appropriate action, including sharing information regarding complaints with the ~~board~~ department of labor and

26 industry as provided in 50-6-105 and initiating any necessary legal proceedings as authorized under this part.

27 (5) In order to carry out the provisions of this part, the department shall prescribe and enforce rules

28 for emergency medical services. Rules of the department may include but are not limited to the following:

- 1 (a) the classification and identification of specific types and levels of interfacility medical
- 2 transportation or out-of-hospital treatment services;
- 3 (b) procedures for issuing, denying, renewing, and canceling licenses issued under this part;
- 4 (c) minimum licensing standards for each type and level of service, including requirements for
- 5 personnel, offline medical direction, online medical direction, maintenance, equipment, reporting,
- 6 recordkeeping, sanitation, and minimum insurance coverage as determined appropriate by the department; and
- 7 (d) other requirements necessary and appropriate to ensure the quality, safety, and proper
- 8 operation and administration of emergency medical services.
- 9 (6) A rule adopted pursuant to this section must comply with Title 2, chapter 4."

10

11 **Section 13.** Section 50-32-603, MCA, is amended to read:

12 **"50-32-603. Definitions.** As used in this part, the following definitions apply:

- 13 (1) "Administer" means to apply an opioid antagonist to the body of another person by injection,
- 14 inhalation, ingestion, auto-injector, or another means.
- 15 (2) "Department" means the department of public health and human services provided for in 2-15-
- 16 2201.
- 17 (3) "Dispense" or "dispensing" has the meaning provided in 37-7-101.
- 18 (4) "Distribute" has the meaning provided in 37-7-101.
- 19 (5) "Eligible recipient" means:
- 20 (a) a person who is at risk of experiencing an opioid-related drug overdose;
- 21 (b) a family member, friend, or other person who is in a position to assist a person who is at risk of
- 22 experiencing an opioid-related drug overdose;
- 23 (c) a first responder or a first responder entity;
- 24 (d) a harm reduction organization or its representative;
- 25 (e) the Montana state crime laboratory or its representative;
- 26 (f) a person who, on behalf of or at the direction of a law enforcement agency or officer, may
- 27 process, store, handle, test, transport, or possess a suspected or confirmed opioid;
- 28 (g) a probation, parole, or detention officer;

1 (h) a county or other local public health department or its representative; or

2 (i) a veterans' organization or its representative.

3 (6) "First responder" means a paid or volunteer firefighter, law enforcement officer, or other
4 authorized person who responds to an emergency in a professional or volunteer capacity. The term does not
5 include an ECP, also known as an emergency care provider, as defined in ~~37-3-102~~ 50-6-202.

6 (7) "Harm reduction organization" means an organization that provides direct assistance and
7 services, including but not limited to counseling, screening, and drug treatment, to persons at risk of
8 experiencing an opioid-related drug overdose.

9 (8) "Law enforcement officer" means a person who is a peace officer as defined in 46-1-202 or any
10 other agent of a criminal justice agency as defined in 44-5-103.

11 (9) "Medical practitioner" has the meaning provided in 37-2-101.

12 (10) "Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the
13 effects of opioids acting on those receptors. The term includes naloxone hydrochloride and any other similarly
14 acting drug approved by the United States food and drug administration.

15 (11) "Opioid-related drug overdose" means an acute condition evidenced by symptoms, including
16 but not limited to physical illness, pinpoint pupils, coma, decreased level of consciousness, or respiratory
17 depression, resulting from the consumption or use of an opioid or another substance with which an opioid is
18 combined.

19 (12) "Standing order" means a written document prepared by a medical practitioner that authorizes
20 an eligible recipient to acquire, distribute, or administer medication without a person-specific prescription.

21 (13) "State medical officer" means a physician licensed to practice medicine under Title 37, chapter
22 3, who is employed by the department to, among other things, provide advice and expertise to the department
23 on medical policy and issues of public health importance."

24

25 **Section 14.** Section 61-2-502, MCA, is amended to read:

26 **"61-2-502. Definitions.** As used in this part, the following definitions apply:

27 (1) "Aircraft" has the meaning provided in 67-1-101. The term includes any fixed-wing airplane or
28 helicopter.

1 (2) (a) "Ambulance" means a privately or publicly owned motor vehicle or aircraft that is maintained
2 and used for the transportation of patients.

3 (b) The term does not include:

4 (i) a motor vehicle or aircraft owned by or operated under the direct control of the United States;
5 or

6 (ii) air transportation services, such as charter or fixed-based operators, that are regulated by the
7 federal aviation administration and that offer no special medical services or provide only transportation to
8 patients or persons at the direction or under the supervision of an independent physician.

9 ~~(3)~~ "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

10 ~~(4)~~ (3) "Department" means the department of transportation provided for in 2-15-2501.

11 ~~(5)~~ (4) "Emergency care provider" means a person licensed by the board pursuant to Title 50, chapter
12 6, part 2, including but not limited to an emergency medical responder, an emergency medical technician, an
13 advanced emergency medical technician, or a paramedic. An emergency care provider with an endorsement
14 may provide community-integrated health care.

15 ~~(6)~~ (5) "Emergency medical service" means an out-of-hospital treatment service or interfacility
16 emergency medical transportation provided by an ambulance or nontransporting medical unit.

17 ~~(7)~~ (6) (a) "Emergency response vehicle" means a vehicle used for the dedicated purpose of
18 responding to emergency medical calls.

19 (b) The term does not include a vehicle used for an individual's personal purposes.

20 ~~(8)~~ (7) "Nontransporting medical unit" means an aggregate of persons who are organized to respond
21 to a call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting
22 medical units provide any one of varying types and levels of service defined by department of public health and
23 human services rule but may not transport patients.

24 ~~(9)~~ (8) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or
25 helpless.

26 (b) Unless otherwise defined by rule for community-integrated health care, the term does not
27 include an individual who is nonambulatory and who needs transportation assistance solely because that
28 individual is confined to a wheelchair as the individual's usual means of mobility.

