

SENATE BILL NO. 563

INTRODUCED BY K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA BRIDGE TO MEDICAL RESIDENCY ACT; PROVIDING FOR THE ~~LICENSURE OF A SUPERVISED MEDICAL GRADUATE A~~ PROVISIONAL RESIDENT LICENSE, INCLUDING QUALIFICATIONS AND FEES; ~~OUTLINING THE SCOPE OF PRACTICE OF A SUPERVISED MEDICAL GRADUATE; REQUIRING A SUPERVISED MEDICAL GRADUATE TO BE SUPERVISED BY A LICENSED PHYSICIAN; AND PROVIDING RULEMAKING AUTHORITY; REQUIRING A COLLABORATIVE AGREEMENT TO PRACTICE UNDER A PROVISIONAL~~ RESIDENT LICENSE; AND AMENDING SECTIONS 37-3-301 AND 37-3-307, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

SECTION 1. Section 37-3-301, MCA, is amended to read:

"37-3-301. License required -- kinds of licenses. (1) Before being issued a license, an applicant may not engage in the practice of medicine in this state.

(2) The department may issue ~~two~~ three kinds of licenses ~~under the board's seal, a physician's license, and a resident license, and a provisional resident license.~~

(3) The board shall provide guidelines by administrative rule for the practice of telemedicine by physicians.

(4) A license issued by the board that has not expired prior to July 1, 2015, remains valid until renewal unless the licensee is otherwise subject to disciplinary proceedings."

SECTION 2. Section 37-3-307, MCA, is amended to read:

"37-3-307. Qualifications for licensure -- resident license -- provisional resident license --

collaborative practice agreement -- rulemaking. (1) The board may authorize the department to issue a resident license to practice medicine to an applicant who:

(a) is in good standing:

(i) in a Montana residency program and is seeing patients under the supervision of a physician who possesses a current, unrestricted license to practice medicine in this state; or

(ii) with an approved residency and who, in the course of an approved rotation of the applicant's residency program, is seeing patients under the supervision of a physician who possesses a current, unrestricted license to practice medicine in this state; and

(b) submits an application to the department on an approved form and submits the fee set by the board, as provided in 37-3-308.

(2) A resident license may not be issued for a period that exceeds 1 year. A resident license may be renewed, at the board's discretion, for additional 1-year periods as long as the resident is in good standing in an approved residency program

(3) (a) The board may authorize the department to issue a provisional resident license for 1 year to an applicant who:

(i) is within the first year of graduation from an approved medical school as defined in 37-3-102;

(ii) has passed parts 1 and 2 of the United States medical licensing examination, the federation of state medical boards' federation licensing examination, or an examination offered by the entities provided for in 37-3-305(1)(d);

(iii) submits an executed collaborative practice agreement; and

(iv) submits a completed application with the required nonrefundable fee.

(b) The department may renew the provisional resident license for 1 additional year, subject to a renewal fee determined by the board. An individual may not hold a provisional license under this section for more than a total of 2 years.

(c) (i) Before a provisional resident licensee may engage in the practice of medicine, the individual must enter into a collaborative practice agreement with a licensed physician.

(ii) The board shall adopt rules regarding the limitations of provisional resident licenses and conditions for collaborative practice agreements."

COORDINATION SECTION. **SECTION 3. COORDINATION INSTRUCTION.** IF BOTH HOUSE BILL NO. 414 AND [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 1 OF HOUSE BILL NO. 414] MUST BE AMENDED AS FOLLOWS:

"NEW SECTION. **SECTION 1. PROVISIONAL LICENSE -- LIMITATIONS -- VALIDITY -- TEMPORARY LICENSE.** (1)

The department may issue a provisional license to an applicant whom the department has initially determined to be eligible for licensure, except for one or more of the following pending conditions:

- (a) passage of the required licensure examination;
- (b) completion of supervised work or educational experience as a license holder;
- (c) facility or equipment inspection;
- (d) verification of licensure in good standing from other licensing jurisdictions and applicable national licensing databases; or
- (e) for a provisional resident license in accordance with 37-3-307(3), acceptance in an approved medical residency training program; or
- (e) (f) verification of absence of relevant criminal charges or other action.

(2) A board or a program may, by rule, prescribe the time, place, supervision, or other limitations respecting the provisional license.

(3) ~~The Except as provided in 37-3-307(3)(b), the~~ provisional license is valid until the applicant is issued a license or until one or more of the following occurs:

- (a) the applicant exceeds the prescribed time limit to complete the work experience or pass a licensure examination;
- (b) the applicant substantially and materially fails an inspection;
- (c) the applicant is found to have license discipline, criminal, or other action in conflict with information reported on the application; or
- (d) the applicant fails to act timely to complete the required condition.

(4) On one or more of the occurrences in subsection (3), the department shall render the provisional license inactive without appeal or judicial review and notify the applicant of its decision.

(5) On registration with the department, individuals actively licensed in good standing in another

1 state may practice in Montana up to 21 days in a calendar year without licensure in this state to provide
2 education, continuity of treatment, treatment to underserved populations, or highly specialized treatment care to
3 clients or patients. For the purposes of this section, good standing includes verification of licensure in another
4 state and any applicable disciplinary data bank."

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