

SENATE BILL NO. 518

INTRODUCED BY D. HARVEY, M. LEE, C. SCHOMER, E. TILLEMANN, D. ZOLNIKOV, E. BUTTREY, G. HUNTER, J. KASSMIER, G. LAMMERS, M. THANE, S. DEMAROIS, J. LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO EMERGENCY CARE PROVIDERS; TRANSFERRING LICENSING OVERSIGHT FOR EMERGENCY CARE PROVIDERS FROM THE BOARD OF MEDICAL EXAMINERS TO THE DEPARTMENT OF LABOR AND INDUSTRY; REVISING THE MEMBERSHIP OF THE BOARD OF MEDICAL EXAMINERS; REVISING LAWS RELATED TO MEDICAL CARE STANDARDS; REVISING DEFINITIONS; DEFINING "COMMUNITY-INTEGRATED HEALTH CARE"; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY; AMENDING 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, 50-6-203, 50-6-302, 50-6-323, 50-32-603, AND 61-2-502, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

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

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

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

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

(b) one doctor of osteopathy;

(c) one podiatrist;

(d) one nutritionist;

(e) one physician assistant; and

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

1 ~~(g)~~ (f) two public members.

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

3

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

5 **"37-1-401. (Temporary) Uniform regulation for licensing programs without boards --**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **37-1-401. (Effective July 1, 2031) Uniform regulation for licensing programs without boards --**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21

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

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

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

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

27 (3) "Approved internship" means an internship training program of at least 1 year in a program that
28 either is approved for intern training by the AOA or conforms to the standards for intern training established by

1 the ACGME or successors. However, the board may, upon investigation, approve any other internship.

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

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

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

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

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

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

16 ~~(10) (8) "LCME" means the liaison committee on medical education.~~

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

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

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

1 (14) (12) "Store-and-forward technology" means electronic information, imaging, and
 2 communication that is transferred, recorded, or otherwise stored in order to be reviewed at a later date by a
 3 health care provider or health care facility at a distant site without the patient present in real time. The term
 4 includes interactive audio, video, and data communication.

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

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

11 (c) For physicians providing written certification of a debilitating medical condition pursuant to 16-
 12 12-509, the term does not include audio-only communication unless the physician has previously established a
 13 physician-patient relationship through an in-person encounter."
 14

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

16 **"37-3-203. Powers and duties -- rulemaking authority.** (1) The board may:

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

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

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

1 (d) review certifications of disability and determinations of eligibility for a permit to hunt from a
2 vehicle as provided in 87-2-803(11); and

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

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

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

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

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

18 (ii) the number of complaints for which a reasonable cause determination was made pursuant to
19 37-1-307;

20 (iii) the general nature of the complaints;

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

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

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

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

1 must include:

2 (i) the name of the physician;

3 (ii) the general results of the investigation of the physician's practices; and

4 (iii) the disciplinary action taken against the physician.

5 (d) The board shall provide the report to the economic affairs interim committee in accordance with
6 5-11-210 and shall make a copy of the report available on the board's website.

7 (4) The board may enter into agreements with other states for the purposes of mutual recognition
8 of licensing standards and licensing of physicians ~~and emergency care providers~~ from other states under the
9 terms of a mutual recognition agreement."
10

10

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

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

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

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

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

1 vocational training programs, as outlined in this subsection, while they are on the premises of a public school or
2 community college.

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

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

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

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

15 (f) an inmate working in a federally certified prison industries program authorized under 53-30-
16 132;

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

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

1 for individuals who are covered for workers' compensation purposes by another state or federal employment
2 training program. Premiums and benefits must be based upon the wage that a probationary employee is paid
3 for work of a similar nature at the assigned worksite.

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

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

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

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

12 (b) performing services as a volunteer, except for a person who is otherwise entitled to coverage
13 under the laws of this state. As used in this subsection (2)(b), "volunteer" means a person who performs
14 services on behalf of an employer, as defined in 39-71-117, but who does not receive wages as defined in 39-
15 71-123.

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

21 (d) performing temporary agricultural work for an employer if the person performing the work is
22 otherwise exempt from the requirement to obtain workers' compensation coverage under 39-71-401(2)(r) with
23 respect to a company that primarily performs agricultural work at a fixed business location or under 39-71-
24 401(2)(d) and is not required to obtain an independent contractor's exemption certificate under 39-71-417
25 because the person does not regularly perform agricultural work away from the person's own fixed business
26 location. For the purposes of this subsection, the term "agricultural" has the meaning provided in 15-1-
27 101(1)(a).

28 (3) With the approval of the insurer, an employer may elect to include as an employee under the

1 provisions of this chapter a volunteer as defined in subsection (2)(b) or a volunteer firefighter as defined in 7-
2 33-4510.

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

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

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

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

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

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

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

28 (d) For the purposes of an election under this subsection (5), all weekly compensation benefits

1 must be based on the amount of elected wages, subject to the minimum and maximum limitations of this
2 subsection (5)(d). For premium ratemaking and for the determination of the weekly wage for weekly
3 compensation benefits, the electing employer may elect an amount of not less than \$200 a week and not more
4 than 1½ times the state's average weekly wage.

5 (6) Except as provided in Title 39, chapter 8, an employee or worker in this state whose services
6 are furnished by a person, association, contractor, firm, limited liability company, limited liability partnership, or
7 corporation, other than a temporary service contractor, to an employer, as defined in 39-71-117, is presumed to
8 be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-
9 117(3).

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

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

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

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

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

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

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

27 (i) nonresident employees are hired in Montana;

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

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

2 (iv) business records are maintained in Montana.

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

6 (10) (a) An ambulance service not otherwise covered by subsection (1)(g) or a paid or volunteer
7 nontransporting medical unit, as defined in 50-6-302, in service to a town, city, or county may elect to include as
8 an employee within the provisions of this chapter a volunteer emergency care provider who serves public safety
9 through the ambulance service not otherwise covered by subsection (1)(g) or the paid or volunteer
10 nontransporting medical unit. The ambulance service or nontransporting medical unit may purchase workers'
11 compensation coverage from any entity authorized to provide workers' compensation coverage under plan No.
12 1, 2, or 3 as provided in this chapter.

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

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

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

1 (e) An ambulance service not otherwise covered by subsection (1)(g) or a nontransporting medical
2 unit, as defined in 50-6-302, that does not elect to purchase workers' compensation coverage for its volunteer
3 emergency care providers under the provisions of this section shall annually notify its volunteer emergency care
4 providers that coverage is not provided.

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

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

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

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

17

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

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

23

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

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

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

1 (b) community-integrated health care.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (ii) the complaint is resolved.

1 (5) For a complaint involving an emergency medical service, the department of public health and
 2 human services shall:

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

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

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

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

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

8 (ii) the complaint is resolved."
 9

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

11 **"50-6-201. Legislative findings -- duty of ~~board~~ department of labor and industry.** (1) The
 12 legislature finds and declares that a program for emergency care providers is required in order to provide the
 13 safest and most efficient delivery of emergency and community-integrated health care.

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

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

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

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

24 (4) The ~~board~~ department of labor and industry has a duty to ensure that emergency care
 25 providers are properly licensed and provide proper treatment to patients in their care."
 26

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

28 **"50-6-202. Definitions.** As used in this part, the following definitions apply:

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

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

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

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

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

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

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

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

17 (ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a
18 regular basis with a regular, hourly wage to provide emergency medical or community-integrated health care as
19 part of the individual's job duties."
20

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

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

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

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

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

28 (2) The ~~board~~ department of labor and industry may, by rule, establish various levels of emergency

1 care provider licensure and shall specify for each level the training requirements, acts allowed, relicensure
2 requirements, and any other requirements regarding the training, performance, or licensure of that level of
3 emergency care provider that it considers necessary, subject to the provisions of 37-1-138."
4

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

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

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

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

12 (b) The term does not include:

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

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

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

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

22 (5) "Department" means the department of public health and human services provided for in 2-15-
23 2201.

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

28 (7) "Nonemergency ambulance transport" means the use of an ambulance to transport a patient

1 between health care facilities, as defined in 50-5-101, including federal facilities, when the patient's medical
2 condition requires special transportation considerations, supervision, or handling but does not indicate a need
3 for medical treatment during transit or for emergency medical treatment upon arrival at the receiving health care
4 facility.

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

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

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

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

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

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

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

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

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

1 patient care within a health care facility, or interfacility emergency medical transportation:

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

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

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

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

9

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

11 **"50-6-323. Powers and duties of department.** (1) The department has general authority to
12 supervise and regulate emergency medical services in Montana.

13 (2) Upon referral by a screening panel ~~the department of labor and industry~~ pursuant to 50-6-105,
14 the department shall review and may investigate complaints relating to the operation of any emergency medical
15 service.

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

17 (a) the type and condition of equipment and procedures used by an emergency medical service to
18 provide care at the scene during prehospital or interfacility transportation or in other out-of-hospital care
19 settings;

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

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

22 (d) the results of any investigation conducted by the ~~board~~ department of labor and industry
23 concerning patient care by an emergency care provider who was, at the time of the complaint, providing care
24 through the emergency medical service that is the subject of a complaint under investigation by the department.

25 (4) Upon completion of an investigation as provided in subsection (3), the department shall take
26 appropriate action, including sharing information regarding complaints with the ~~board~~ department of labor and
27 industry as provided in 50-6-105 and initiating any necessary legal proceedings as authorized under this part.

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

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

2 (a) the classification and identification of specific types and levels of interfacility medical
3 transportation or out-of-hospital treatment services;

4 (b) procedures for issuing, denying, renewing, and canceling licenses issued under this part;

5 (c) minimum licensing standards for each type and level of service, including requirements for
6 personnel, offline medical direction, online medical direction, maintenance, equipment, reporting,
7 recordkeeping, sanitation, and minimum insurance coverage as determined appropriate by the department; and

8 (d) other requirements necessary and appropriate to ensure the quality, safety, and proper
9 operation and administration of emergency medical services.

10 (6) A rule adopted pursuant to this section must comply with Title 2, chapter 4."
11

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

13 **"50-32-603. Definitions.** As used in this part, the following definitions apply:

14 (1) "Administer" means to apply an opioid antagonist to the body of another person by injection,
15 inhalation, ingestion, auto-injector, or another means.

16 (2) "Department" means the department of public health and human services provided for in 2-15-
17 2201.

18 (3) "Dispense" or "dispensing" has the meaning provided in 37-7-101.

19 (4) "Distribute" has the meaning provided in 37-7-101.

20 (5) "Eligible recipient" means:

21 (a) a person who is at risk of experiencing an opioid-related drug overdose;

22 (b) a family member, friend, or other person who is in a position to assist a person who is at risk of
23 experiencing an opioid-related drug overdose;

24 (c) a first responder or a first responder entity;

25 (d) a harm reduction organization or its representative;

26 (e) the Montana state crime laboratory or its representative;

27 (f) a person who, on behalf of or at the direction of a law enforcement agency or officer, may
28 process, store, handle, test, transport, or possess a suspected or confirmed opioid;

1 (g) a probation, parole, or detention officer;

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

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

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

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

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

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

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

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

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

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

25

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

27 **"61-2-502. Definitions.** As used in this part, the following definitions apply:

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

1 helicopter.

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

4 (b) The term does not include:

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

6 or

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

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

11 ~~(4) (3) "Department" means the department of transportation provided for in 2-15-2501.~~

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

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

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

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

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

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

27 (b) Unless otherwise defined by rule for community-integrated health care, the term does not
28 include an individual who is nonambulatory and who needs transportation assistance solely because that

1 individual is confined to a wheelchair as the individual's usual means of mobility.

2 (~~10~~) (9) "Person" means an individual, firm, partnership, association, corporation, company, group of
3 individuals acting together for a common purpose, or organization of any kind, including a governmental agency
4 other than the United States.

5 (~~11~~) (10) "Volunteer emergency care provider" means an individual who is licensed pursuant to
6 Title 50, chapter 6, part 2, and provides out-of-hospital, emergency medical, or community-integrated health
7 care or interfacility transport:

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

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

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

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

15

16 NEW SECTION. **Section 15. Effective date.** [This act] is effective January 1, 2026.

17

- END -