

1 HOUSE BILL NO. 313

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6 REGIER, T. RUNNING WOLF, W. RUSK, K. SEEKINS-CROWE, L. SHELDON-GALLOWAY, P. TUSS, B.

7 USHER, S. VINTON, M. WEATHERWAX, J. WINDY BOY, M. YAKAWICH, K. ZOLNIKOV, L. BREWSTER, J.

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9

10 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR INDEPENDENT PRACTICE OF PHYSICIAN

11 ASSISTANTS; CLARIFYING COVERAGE OF PHYSICIAN ASSISTANTS UNDER HEALTHY MONTANA

12 KIDS, HEALTH MAINTENANCE ORGANIZATIONS, AND MULTIPLE WELFARE EMPLOYER

13 ARRANGEMENTS; AMENDING SECTIONS 33-22-114, 33-31-111, 33-35-306, 37-20-101, 37-20-104, 37-20-

14 203, 37-20-301, 37-20-401, 37-20-403, 37-20-404, 37-20-405, 37-20-410, 37-20-411, 50-5-1301, 50-12-102,

15 50-19-403, 50-20-109, AND 53-4-1005, MCA; AND PROVIDING AN ~~IMMEDIATE~~ EFFECTIVE DATE."

16

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

18

19 **Section 1.** Section 33-22-114, MCA, is amended to read:

20 **"33-22-114. Coverage required for services provided by physician assistants, advanced**

21 **practice registered nurses, and registered nurse first assistants.** An insurer, a health service corporation,

22 or any employee health and welfare fund that provides accident or health insurance benefits to residents of this

23 state shall provide, in group and individual insurance contracts, coverage as well as payment or reimbursement

24 for health services provided by:

25 (1) a physician assistant as normally covered by contracts for services supplied by a physician if

26 health care services that the physician assistant ~~is approved to perform~~ performs are covered by the contract;

27 (2) an advanced practice registered nurse, defined in 37-8-102, as normally covered by contracts

28 for services supplied by a physician or a physician assistant if health care services that the advanced practice

1 multiple employer welfare arrangement that has been issued a certificate of authority that has not been
2 revoked."

3

4 **Section 4.** Section 37-20-101, MCA, is amended to read:

5 **"37-20-101. Qualifications of supervising physician and physician assistant.** ~~(1) The supervising~~
6 ~~physician named in the supervision agreement required by 37-20-301 shall:~~

7 ~~(a) possess a current, active license to practice medicine in this state; and~~

8 ~~(b) exercise supervision over the physician assistant in accordance with the rules adopted by the~~
9 ~~board and retain professional and legal responsibility for the care and treatment of patients by the physician~~
10 ~~assistant.~~

11 ~~(2) A physician assistant named in the supervision agreement required by 37-20-301 must have a~~
12 ~~current, active Montana physician assistant license."~~

13

14 **Section 5.** Section 37-20-104, MCA, is amended to read:

15 **"37-20-104. Unlicensed practice -- penalties.** (1) A person who employs a physician assistant or
16 holds out to the public that the person is a physician assistant without having been issued a Montana physician
17 assistant license is guilty of a misdemeanor and is punishable as provided in 46-18-212.

18 (2) Prior to being issued a license ~~and submitting a supervision agreement to the board,~~ a
19 physician assistant may not practice as a physician assistant in this state, ~~even under the supervision of a~~
20 ~~licensed physician.~~

21 (3) The board may enforce the provisions of this section by the remedy of injunction and the
22 application of other penalties as provided by law."

23

24 **Section 6.** Section 37-20-203, MCA, is amended to read:

25 **"37-20-203. Licensing of physician assistants.** (1) The board may issue either an active or inactive
26 license to a physician assistant applying for a license or license renewal in Montana.

27 (2) A physician assistant with fewer than 2 years of postgraduate clinical experience shall practice
28 medicine with a collaborative agreement between the physician assistant and one or more experienced

1 collaborating providers, who may be:

2 (a) a licensed physician; or

3 (b) a licensed physician assistant with 2 or more years of practice.

4 (3) "Collaborative agreement" as used in this section means the interaction and relationship that a

5 physician assistant has with a collaborating provider as described in subsection (2), in which:

6 (a) the physician assistant and collaborating provider are cognizant of the physician assistant's

7 qualifications and limitations in caring for patients;

8 (b) the physician assistant consults with the collaborating provider while remaining responsible for

9 care provided by the physician assistant; and

10 (c) the collaborating provider gives direction and guidance to the physician assistant.

11 (4) A physician assistant with a collaborative agreement per subsection (2) shall:

12 (a) practice under written policies and procedures established at a practice level that:

13 (i) describe how collaboration will occur in accordance with subsection (2);

14 (ii) describe methods for evaluating the physician assistant's competency, knowledge, and skills;

15 and

16 (b) provide a copy of the written policies and procedures and documentation of compliance under

17 this subsection (4) to the board upon the board's request.

18 (5) A physician assistant licensed under this part and actively practicing for the 2 years prior to

19 October 1, 2023, is exempt from the collaborative agreement requirement."

20

21 **Section 7.** Section 37-20-301, MCA, is amended to read:

22 **"37-20-301. Requirements for use of physician assistant practice--supervision agreement--**

23 **duties and delegation agreement--content--approval--filing.** (1) A physician, office, firm, state institution,

24 or professional service corporation may not employ or make use of the services of a physician assistant in the

25 practice of medicine, as defined in 37-3-102, and as provided in this chapter and a physician assistant may not

26 be employed or practice as a physician assistant unless the physician assistant:

27 ~~(a) is supervised by a physician licensed in this state;~~

28 ~~(b)~~(1) is licensed by the board; and

Amendment - 1st Reading-white - Requested by: Jodee Etchart - (H) Business and Labor

- 2023

68th Legislature 2023

Drafter: Milly Allen, 406-444-9280

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1 (j) habilitative services as defined in 53-4-1103;

2 (k) hearing and vision exams; and

3 (l) eyeglasses.

4 (2) The program must comply with the provisions of 33-22-153.

5 (3) The department shall adopt rules, pursuant to its authority under 53-4-1009, allowing it to cover
6 significant dental needs beyond those covered in the basic plan. Expenditures under this subsection may not
7 exceed \$100,000 in state funds, plus any matched federal funds, each fiscal year.

8 (4) The department is specifically prohibited from providing payment for birth control
9 contraceptives under this program.

10 (5) The department shall notify enrollees of any restrictions on access to health care providers, of
11 any restrictions on the availability of services by out-of-state providers, and of the methodology for an out-of-
12 state provider to be an eligible provider. (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999;
13 sec. 3, Ch. 169, L. 2007; sec. 10, Ch. 97, L. 2013; sec. 5, Ch. 399, L. 2017.)"

14
15 NEW SECTION. Section 19. Effective date. [This act] is effective ~~on passage and approval~~ October
16 1, 2023.

17 - END -