



## Economic Affairs Interim Committee

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### 63rd Montana Legislature

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### Memo on Medical Assistance Programs

**To: Members of the Economic Affairs Committee**  
**From: Bart Campbell, Staff Attorney**  
**Date: Aug. 19, 2013**

An examination of the relevant statutes makes it clear that the legislature only intends for boards under Title 37, chapters 3, 4, 7, and 8 to create and administer medical assistance programs.

- 37-1-131, MCA, which pertains to duties of all boards in general, in subsection (1)(d) refers to disciplinary action against the license of a person in a "medical assistance program under chapters 3, 4, 7, or 8".

Requirements for the confidentiality of medical assistance program information is contained in 37-2-202, which states:

"(1) The proceedings and records of a medical assistance program created under chapters 3, 4, 7, or 8 ...".

For the provisions of 37-1-131(1)(d) and 37-2-202 to apply to other boards those boards would have to be specifically listed.

The four boards are required to establish a medical assistance program under their respective statutes (37-3-401, 37-4-311, 37-7-201, and 37-8-202). The boards are required to establish the medical assistance programs but how the programs are established and run is up to the boards (not the department). It is clear that the boards can contract with the private sector, or if a board chooses it could enter into an agreement with the department for the department to run the program. By statute it is clearly each board's choice.

Chapter 3 = Board of Medical Examiners

Chapter 4 = Board of Dentistry

Chapter 7 = Board of Pharmacy

Chapter 8 = Board of Nursing