

HOUSE BILL NO. 494

INTRODUCED BY WILSON, YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING LICENSURE OF PHYSICIANS; PROVIDING FOR TEMPORARY LICENSURE OF PERSONS IN AN APPROVED RESIDENCY PROGRAM UPON CERTAIN CONDITIONS; AND AMENDING SECTIONS 37-3-304 AND 37-3-305, MCA."

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

Section 1. Section 37-3-304, MCA, is amended to read:

"37-3-304. Practice authorized by temporary certificate. (1) A temporary certificate, which may be issued to any citizen or to an alien otherwise qualified for a physician's certificate and which may be issued for a period not to exceed 1 year, subject to renewal for additional periods of 1 year but not to exceed five such renewals, at the discretion of the board, authorizes the holder to perform one or more of the acts ~~embraced~~ listed in 37-3-102(6) in a manner reasonably consistent with ~~his~~ the holder's training, skill, and experience, subject, ~~nevertheless,~~ to all specifications, conditions, and limitations imposed by the board.

(2) A temporary certificate may not be issued for a period that exceeds 1 year. However, except as provided in subsection (3), a temporary certificate may be renewed, at the board's discretion, for additional 1-year periods, but may not be renewed more than five times.

(3) A person meeting the requirements of 37-3-305(5) may be granted a limited temporary certificate for a period of 3 months, which may be extended at the board's discretion upon a showing of good cause for a period not to exceed 3 months."

Section 2. Section 37-3-305, MCA, is amended to read:

"37-3-305. Qualifications for licensure. (1) Except as provided in ~~subsection~~ subsections (4) and (5), a person may not be granted a physician's license to practice medicine in this state unless the person:

(a) is of good moral character, as determined by the board;

(b) is a graduate of an approved medical school as defined in 37-3-102;

(c) has completed an approved postgraduate program of at least 2 years or, in the opinion of the board, has had experience or training that is at least the equivalent of a 2-year postgraduate program;

- 1 (d) has had a completed application file reviewed by a board member and, at the discretion of the board
2 member, has made a personal appearance before the board; and
- 3 (e) is able to communicate, in the opinion of the board, in the English language.
- 4 (2) The board may authorize the department to issue the license subject to terms of probation or other
5 conditions or limitations set by the board or may refuse a license if the applicant has committed unprofessional
6 conduct or is otherwise unqualified.
- 7 (3) A person may not be granted a temporary license to practice medicine in this state unless the
8 person:
- 9 (a) is of good moral character, as determined by the board;
- 10 (b) is a graduate of an approved medical school as defined in 37-3-102;
- 11 (c) has completed an approved postgraduate program of at least 2 years or, in the opinion of the board,
12 has had experience or training that is at least the equivalent of a 2-year postgraduate program; and
- 13 (d) is able, in the opinion of the board, to communicate in the English language.
- 14 (4) The 2-year minimum requirements in subsections (1)(c) and (3)(c) do not apply to a person who:
- 15 (a) has completed an approved internship of at least 1 year or in the opinion of the board has had
16 experience or training that is at least the equivalent of a 1-year internship;
- 17 (b) is a resident in good standing with the Montana family practice residency program; and
- 18 (c) is seeing patients under the supervision of a physician who possesses a current, unrestricted license
19 to practice medicine in this state.
- 20 (5) The 2-year minimum requirements in subsections (1)(c) and (3)(c) do not apply to a person who:
- 21 (a) has completed an approved internship of at least 1 year or, in the opinion of the board, has had
22 experience or training that is at least the equivalent of a 1-year internship;
- 23 (b) is a resident in good standing with a program accredited by the accreditation council for graduate
24 medical education or the American osteopathic association;
- 25 (c) in the course of an approved rotation of the person's residency program, is seeing patients under
26 the supervision of a physician who possesses a current, unrestricted license to practice medicine in this state;
- 27 (d) makes application to the department on a form prescribed by the board; and
- 28 (e) pays a fee set by the board, as provided in 37-3-308."

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