

Section by Section Narrative for
 Requested by Sen. Cromley, Chairman of Senate Public
 Health, Welfare and Safety Committee (3/14/2005)

Section 1, 2, 3, 4 and 5. Amends the section to eliminate the word "certified" in the title of a physician assistant (PA).

Section 6. Amends the section to eliminate the word "certified" in the title of a PA. It amends the title "utilization plan" to "supervision agreement". It eliminates duplicative language already in Section 15 regarding the character reference and the personal background check of the supervising physician. The physician is required to be actively licensed by the Montana Board, therefore that information it already on file in the board office.

Section 7. Amends the section to eliminate the word "certified" in the title of a PA. Removes unconstitutional language regarding the prohibition of abortions. (See Supreme Court decision Armstrong vs State of Montana 1999)

Section 8. Amends the section to eliminate the word "certified" from the title of a physician assistant and renaming the "utilization plan" (UP) to "supervision agreement". Cleans up statutory language for ease and readability.

Section 9. Provides general rule making authority for the Board of Medical Examiners to implement this chapter. Enables the Board to comply with standardization and streamlining found under the Department of Labor's 2005 proposed legislation HB 182 for Professional and Occupational licensing. Cleans up statutory language for ease and readability.

Section 10. Provides for an active and inactive license for PA by statute. Cleans up statutory language for ease and readability and enables the Board to comply with standardization of renewal and streamlining processes and forms found under the Department of Labor's 2005 proposed legislation HB 182 for Professional and Occupational licensing.

Section 11. Amends the section to eliminate the word "certified" from the title of a physician assistant and renaming the "utilization plan" (UP) to "supervision agreement". Removes the statutory references to UP which allows the Board to adopt rules with regard to the requirements of the supervision agreement, supervising physicians, duties and delegation agreement for streamlining and standardization already under section 9 of this bill and Title 37, chapter 1 for all boards. Provides for a one-year grace period in order to get all PAs licensed by October 1, 2005 to comply with the new supervision agreement and duties and delegation agreement. Further provides that the supervision agreement and duties and delegation agreement must be kept on file and up to date by the supervising physician and PA and made available to health care providers, facilities, federal and state agencies, the Board or anyone who requests it.

Section 12. Incorporates the amendments with regard to rename “UP” to “supervision agreement” and clarifies the process for application, renewal and fee of a PA license. Cleans up statutory language for ease and readability

Section 13. Clarifies exemptions under license requirements in this chapter. Provides for an exemption to PA licensure for emergencies or catastrophes, federal employment, nursing under chapter 8, physical therapy under chapter 11, student PA under an approved program doing residencies and training in clinics and hospitals, medical assistants under chapter 3, EMTs under title 50. This section provides for a title protection from the use of physician assistant, PA or PA-C unless licensed as such.

Section 14. Provides for definitions of new terms used “duties and delegation agreement”, “supervising physician” and “supervision agreement” and eliminates terms not used in this chapter.

Section 15. Clarifies the education, examination and certification requirements for licensure for ease and readability. Amends the section to eliminate the word “certified” in the title of a PA. Updates the name of the national accrediting body for schools, training programs and the examination.

Section 16. Amends the section to eliminate the word “certified” in the title of a PA. Cleans up statutory language for ease and readability. Establishes statutory language regarding supervision, alternate supervision in absence of the physician and a statutory physician assistant scope of practice, rather than by Board rule.

Section 17. Amends the section to eliminate the word “certified” in the title of a PA. Cleans up statutory language for ease and readability. Eliminates the requirement for the Board to adopt duplicative rules on refilling of prescriptions. The Board of Medical Examiners complies with all federal and Montana Board of Pharmacy statutes and rules regarding prescriptions and refills.

Section 18. Amends the section to eliminate the word “certified” in the title of a PA. Cleans up statutory language for ease and readability.

Section 19. Cleans up statutory language for ease and readability.

Section 20 and 21. Amends the section to eliminate the word “certified” in the title of a PA. Cleans up statutory language for ease and readability.

Section 22, 23, 24, 25 and 26. Amends the section to eliminate the word “certified” in the title of a PA.

Section 27. Amends the section to eliminate the word “certified” in the title of a PA. It amends the title “utilization plan” to “supervision agreement”.

Section 28 and 29. Amends the section to eliminate the word "certified" in the title of a PA.

Section 30. Clarifies that it is unlawful to practice medicine if not licensed as a PA or exempt in this chapter.

Section 31. Provides an exemption to this chapter as referenced in section 13 of this bill, if participating in disaster or emergency care including federal, state or local disasters. The PA licensed in this state or any other state, territory of the US, may provide emergency care without supervision for the duration of the emergency voluntarily or gratuitously. The section further clarifies that the supervising physician and PA will not be held civil liable for damages from acts or omissions if the injury is caused by simple or ordinary negligence while in a voluntarily or gratuitously rendering of emergency care or disaster. However, this will not apply in cases involving gross negligence. This is standard throughout medical professions, such as chapter 3, physician practice act or under EMT licensing. [See section 4 of this bill, under 37-3-103(1)(a) and (b) and Section 5 under 37-8-103(1)(a) through (e)]. Although this section is more extensive due to the nature of the physician assistant profession dependent being supervision of an actively licensed physician.

Section 32. Repeal of 37-20-201.

Section 33. Direction to the code commissioner.

Section 34. Codification instructions.