



AN ACT CREATING THE MONTANA HEALTH CORPS ACT; PROVIDING FOR ENROLLMENT OF RETIRED PHYSICIANS IN THE HEALTH CORPS; PROVIDING FOR HOME HEALTH CARE VISITS TO PATIENTS ELIGIBLE FOR MEDICARE OR MEDICAID; LIMITING CHARGES MADE BY HEALTH CORPS MEMBERS; LIMITING THE LIABILITY OF HEALTH CORPS MEMBERS; GRANTING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Short title. [Sections 1 through 7] may be cited as the "Montana Health Corps Act".

Section 2. Purpose -- establishment of program. (1) The purpose of [sections 1 through 7] is to:

- (a) provide primary outpatient care to individuals eligible for medicare or medicaid by retired physicians at affordable prices;
- (b) keep the elderly or infirm in their homes longer; and
- (c) provide home health care visits for patients who have difficulty in traveling.

(2) The board shall adopt rules to establish the program. The rules must provide procedures for enrolling retired physicians in the health corps and procedures under which physicians or health care facilities may refer medicare or medicaid patients to members of the health corps.

Section 3. Definitions. As used in [sections 1 through 7], unless the context requires otherwise, the following definitions apply:

- (1) "Health care" has the meaning provided in 50-16-504.
- (2) "Health care facility" has the meaning provided in 50-5-101.

Section 4. Eligibility for participation. A retired physician who is properly licensed and in good standing in Montana may participate in the health corps provided for in [sections 1 through 7]. The board shall

accept applications for participation in the health corps and provide written guidelines to participants in the health corps concerning the provisions of [sections 1 through 7] and rules adopted to implement [sections 1 through 7].

Section 5. Referral of patients to program -- visits -- charges. (1) The board shall adopt rules under which physicians or health care facilities may refer medicare or medicaid patients to the health corps program.

(2) A health corps member shall make home visitations to eligible patients for the purpose of providing health care to eligible patients.

(3) A health corps member may charge \$10 for a patient contact or visit and may submit a charge to medicare or medicaid.

Section 6. Limitation on liability. A physician who renders health care within the scope of the physician's license to a patient under [sections 1 through 7] is not liable to a patient or other person for civil damages resulting from the rendering of the care unless the damages were the result of gross negligence or willful or wanton acts or omissions by the physician. Each patient must be given notice that under state law the physician may not be held legally liable for ordinary negligence for services provided under the health corps program.

Section 7. Termination of participation in health corps. The board may take disciplinary action against a physician participating in the health corps program as provided in Title 37 and may terminate a physician's participation in the health corps program based upon the disciplinary action.

Section 8. No appropriation. It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding.

Section 9. Codification instruction. [Sections 1 through 7] are intended to be codified as an integral part of Title 37, chapter 3, and the provisions of Title 37, chapter 3, apply to [sections 1 through 7].

Section 10. Effective date. [This act] is effective July 1, 2009.

- END -

I hereby certify that the within bill,
HB 0578, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 578

INTRODUCED BY CAFERRO

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