



Montana Nurses Association

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March 19, 2009

RE: SB 287 - Consumer Health Freedom and Access Act - **OPPOSE**

This bill is sponsored by Joe Balyeat and would codify in law the ability for unlicensed "alternative health care providers" to legally operate without regulation and penalty. The bill spells out the need for an unlicensed "alternative health care provider" to disclose their educational background, experience, and lack of licensure to the patient. The disclosure is signed by the patient thus granting the "unlicensed provider" immunity from prosecution.

This bill is poorly written and poorly thought out.

Simply appalling is the belief of the sponsor that those who are legitimately licensed and competent to perform their jobs would fund the unlicensed alternative health providers. That is correct, additional costs added to license renewals in order for the crystal healers, touch massage, spiritual healers, homeopaths, etc. to operate without registration, without regulation and oversight, and without an appropriate avenue for a patient grievance process.

The sponsor, Joe Balyeat, feels this bill is not about consumer protection but instead it prevents monopolization by licensed providers. He states that it "strengthens the unlicensed practice laws" and provides "simple exceptions" to the unlicensed practice verbiage in Montana law where "scopes of practice overlap." Senator Balyeat feels that all Montanans should have the ability to choose their health care provider and freedom of choice is what this bill affords ; not that it in any way adds risk to patient safety.

This is a first where all 45,000 legitimate licensees of Montana will pay the price for those who wish to practice in an unregulated manner.

Having a license under the state of Montana generally insures the public that you have met minimum standards in education, experience, competency, etc to operate in your field. This law would place the onus of determining competency on the patient and, in the event of a patient injury, leave no legal recourse to pursue because

of that "disclosure form". Incidentally, nothing in the bill spells out who would maintain these disclosures and for how long.

From my seat I see a path for a disciplined nurse to operate. I see the ability for a student nurse or med student to circumvent a process designed to provide patient safety. I see an influx of unregulated practice in Montana.

If "unlicensed alternative providers" wish to operate then it should be under registration with the state so we know who is operating within the boundaries of our state lines, I think the cost of registering them and regulating them be self funded by the registrants and not tacked on to legitimate licensees. Probably most important would be to suggest that this bill be tabled for the session and suggest instead an interim study be implemented to look at the viability of recognizing "unlicensed alternative providers" and designing a scope of practice that provides an acceptable level of patient safety parameters, spells out a process for complaint, and requires registration of the provider.

Please look hard at this bill and its unintended consequences. We ask you for a "no pass" on this bill.

Sincerely,

Robert Allen
Executive Director
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