

HOUSE BILL NO. 624

INTRODUCED BY S. STAFFANSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DENTURITRY AND ADDING A  
5 LICENSE FOR MEDICAL DENTURITRY; CREATING A BOARD OF MEDICAL DENTURITRY EXAMINERS;  
6 REMOVING DENTURISTS FROM PARTICIPATION IN THE BOARD OF DENTISTRY; PROVIDING  
7 RULEMAKING AUTHORITY; PROVIDING EXCEPTIONS TO PROTECTED HEALTH INFORMATION FOR  
8 INVESTIGATION PURPOSES; IMPOSING LICENSURE FEES; AND AMENDING SECTIONS 2-15-1732,  
9 37-4-103, 37-29-102, 37-29-103, 37-29-104, 37-29-201, 37-29-301, 37-29-302, 37-29-303, 37-29-306, 37-29-401,  
10 37-29-402, 37-29-403, 37-29-405, 50-16-529, AND 50-16-805, MCA."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
14 NEW SECTION. **Section 1. Board of medical denturistry examiners.** (1) There is a board of medical  
15 denturistry examiners.

16 (2) (a) The board consists of three medical denturists and three public members. Of the public members,  
17 one must be a person who is 65 years of age or older, one must represent low-income Montanans, and one must  
18 represent Montana's Indian population. Each medical denturist member must be licensed to practice as a medical  
19 denturist or a denturist in this state and must have actively practiced in the medical denturistry field in this state for  
20 at least 5 continuous years immediately before the member's appointment. Each licensed member must be  
21 actively engaged in practice while serving on the board.

22 (b) The board may have subcommittees to which the board may appoint additional subcommittee  
23 members who are not members of the board but who may vote to refer issues to the board. Board members and  
24 subcommittee members are eligible for reimbursement of their time and travel as provided in 2-15-124(7).

25 (3) Each board member must be:

- 26 (a) appointed by the governor with the consent of the senate; and
- 27 (b) a resident of this state.

28 (4) A board member's term is 5 years, but the governor may remove a member at any time for neglect  
29 or cause.

30 (5) The governor shall fill any vacancy within 30 days.

1 (6) An appointee may not have served on any other licensing board regulated under Title 37 for 10 years  
2 prior to being appointed to the board of medical denturistry examiners.

3 (7) The board is allocated to the department for administrative purposes only, as provided in 2-15-121.  
4

5 **Section 2.** Section 2-15-1732, MCA, is amended to read:

6 **"2-15-1732. Board of dentistry.** (1) There is a board of dentistry.

7 (2) The board consists of five dentists, ~~one dentist~~, two dental hygienists, and two public members,  
8 one of whom must be a senior citizen. All members are appointed by the governor with the consent of the senate.  
9 Each licensed member must be licensed to practice as a dentist, ~~denturist~~, or dental hygienist in this state, must  
10 have actively practiced in this state for at least 5 continuous years immediately before the member's appointment,  
11 and must be actively engaged in practice while serving on the board. Each member must be a resident of this  
12 state.

13 (3) Each member shall serve for a term of 5 years. The governor may remove a member only for neglect  
14 or cause.

15 (4) The governor shall fill any vacancy within 30 days.

16 (5) The board is allocated to the department for administrative purposes only, as prescribed in 2-15-121."  
17

18 **Section 3.** Section 37-4-103, MCA, is amended to read:

19 **"37-4-103. Exemptions.** (1) A dental laboratory or dental technician is not practicing dentistry under this  
20 chapter when engaged in the construction, making, alteration, or repairing of bridges, crowns, dentures, or other  
21 prosthetic appliances, surgical appliances, or orthodontic appliances if the casts, models, or impressions on which  
22 the work is constructed have been made by a regularly licensed and practicing dentist and the crowns, bridges,  
23 dentures, prosthetic appliances, surgical appliances, or orthodontic appliances are returned to the dentist on  
24 whose order the work was constructed.

25 (2) Section 37-4-101(2) and part 5 of this chapter do not apply to a legally qualified physician or to a  
26 dental surgeon employed by the United States government or to a legally licensed health care practitioner of  
27 another state making a clinical demonstration before a dental society, convention, or association of dentists or  
28 to a licensed dental hygienist performing an act authorized under 37-4-401 or 37-4-405.

29 (3) This chapter does not prevent a bona fide faculty member of a school, college, or department of a  
30 university recognized and approved by the board from performing dental procedures necessary to the faculty

1 member's teaching functions. This chapter does not prevent students from performing dental procedures under  
2 the supervision of a bona fide instructor of a school, college, or department of a university recognized and  
3 approved by the board if the dental procedures are a part of the assigned teaching curriculum.

4 (4) This chapter does not prohibit or require a license with respect to the practice of dentistry or the  
5 practice of medical dentistry under the conditions and limitations defined by Title 37, chapter 29. The provisions  
6 of this chapter do not apply to a person engaged in the lawful practice of dentistry or medical dentistry.

7 (5) This chapter does not require the licensure of or prohibit the personal representative of the estate  
8 of a deceased dentist or the personal representative of a disabled dentist from contracting with a dentist to  
9 manage the dental practice at an establishment where dental operations, oral surgery, or dental services are  
10 provided if the personal representative in either case complies with the provisions of 37-4-104.

11 (6) Section 37-4-101(2)(b) does not prevent a licensee from entering into a contract with or being  
12 employed by the following clinics:

- 13 (a) university clinics for the purpose of providing dental care to registered students;  
14 (b) correctional facilities for the purpose of providing dental care to inmates; and  
15 (c) federally funded community health centers, migrant health care centers, or programs for health  
16 services for the homeless established pursuant to the Public Health Service Act, 42 U.S.C. 254b.

17 (7) A clinic that employs or otherwise contracts with a dentist under subsection (6) may not:

- 18 (a) govern the clinical sufficiency, suitability, reliability, or efficacy of a particular service, product,  
19 process, or activity as it relates to the delivery of dental care; or  
20 (b) preclude or otherwise restrict a dentist's ability to exercise independent professional judgment over  
21 all qualitative and quantitative aspects of the delivery of dental care.

22 (8) This chapter does not require licensure of the following individuals while engaged in the practice of  
23 dentistry, as provided in 37-4-101:

24 (a) students of an accredited commission on dental accreditation (CODA) dental hygiene program or  
25 school who are candidates for a dental hygiene degree and who practice dental hygiene without pay in strict  
26 conformity with the laws and rules of this state, under the direct personal supervision of a demonstrator or teacher  
27 who is a faculty member of an accredited CODA dental hygiene program or school;

28 (b) students of an accredited CODA program or school who are candidates for a D.D.S. or D.M.D.  
29 degree and who practice dentistry without pay in strict conformity with the laws and rules of this state, under the  
30 direct personal supervision of a dentist licensed in Montana or a demonstrator or teacher who is a faculty member

1 of a CODA dental program or school; or

2 (c) dental residents who have received a D.D.S. or D.M.D. degree from a CODA-accredited school and  
 3 who are engaged in advanced education in dentistry at a dental school, hospital, or public health facility that offers  
 4 the type of advanced program designed to meet accreditation requirements established by CODA. A dental  
 5 resident may perform all clinical services within the advanced education program in which the dental resident is  
 6 enrolled if the services are provided by the sponsoring institution and are authorized by the program supervisor.  
 7 A dental resident who is not licensed in Montana may not engage in private practice or assess fees for clinical  
 8 services rendered."

9

10 **Section 4.** Section 37-29-102, MCA, is amended to read:

11 **"37-29-102. Definitions.** As used in this chapter, unless the context requires otherwise, the following  
 12 definitions apply:

13 (1) "Approved medical denturistry school" means a school that either is accredited by the commission on  
 14 medical denturistry accreditation or conforms to the minimum educational standards established by the council  
 15 on medical denturistry education of the American academy of medical denturistry or its successors. An approved  
 16 medical denturistry school also may be a school that the board determines to be equivalent to a school that meets  
 17 the standards of the American academy of medical denturistry. The board may, on investigation of the educational  
 18 standards and facilities, approve any medical denturistry school, including foreign medical denturistry schools,  
 19 denturistry schools, or dental schools.

20 ~~(1)(2)~~ "Board" means the ~~state~~ board of dentistry medical denturistry examiners provided for in ~~2-15-1732~~  
 21 [section 1].

22 (3) "Complaint" means a written allegation filed with a board that, if true, warrants an injunction,  
 23 disciplinary action against a licensee, or denial of an application submitted by a license applicant.

24 ~~(2)(4)~~ "Denture" means any removable full or partial upper or lower prosthetic dental appliance to be  
 25 worn in the mouth.

26 ~~(3)(5)~~ "Denturist" means a person licensed under this chapter to engage in the practice of denturistry.

27 (6) "Denturistry assistant" means an unlicensed allied health care worker who functions under the  
 28 supervision of a medical denturist in a denturist's office and who performs administrative and clinical tasks.

29 (7) "Denturistry technician" means an unlicensed allied health care worker who functions under the  
 30 supervision of a licensed medical denturist in a denturist's office and who performs laboratory tasks.

1           ~~(4)~~(8) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part  
2 17.

3           ~~(5)~~(9) "Immediate denture" means a denture constructed prior to and inserted immediately after  
4 extraction of teeth.

5           (10) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department,  
6 with respect to a written complaint or other information before a board, that is carried out to determine whether:

7           (a) a person has violated a statute or rule that justifies discipline against the person;

8           (b) a licensee has complied with a stipulation or order of the board;

9           (c) a license should be granted, denied, or conditionally issued; or

10          (d) a board should seek an injunction.

11          (11) "License" has the meaning provided in 37-1-130.

12          ~~(6)~~(12) "Practice of dentistry" means:

13          (a) the making, fitting, constructing, altering, reproducing, or repairing of a denture and furnishing or  
14 supplying of a denture directly to a person or advising the use of a denture; or

15          (b) the taking or making or the giving of advice, assistance, or facilities respecting the taking or making  
16 of any impression, bite, cast, or design preparatory to or for the purpose of making, constructing, fitting,  
17 furnishing, supplying, altering, repairing, or reproducing a denture.

18          (13) (a) "Practice of medical dentistry" means the diagnosis, treatment, or correction of human oral  
19 conditions, ailments, diseases, injuries, or infirmities by any means, methods, devices, or instrumentalities. The  
20 term includes any attempt, or holding oneself as being able, to diagnose, treat, or correct human oral conditions,  
21 ailments, diseases, injuries, or infirmities by any means, methods, devices, or instrumentalities. Subject to  
22 recognition and approval by the board, the diagnosis, treatment, or correction must be taught in an educational  
23 program under the council on medical dentistry education and accredited by the commission on medical  
24 dentistry accreditation.

25          (b) The term includes those portions of the practice of dentistry for which a medical dentist is trained  
26 but to which the provisions of Title 37, chapter 4, do not apply as provided in 37-4-103."

27

28          **Section 5.** Section 37-29-103, MCA, is amended to read:

29          **"37-29-103. Association with dentists or licensed health care providers permitted. (1)** A licensed  
30 dentist may enter into any a lawful agreement with a dentist regarding fees, compensation, and business

1 association.

2 (2) A licensed medical dentist may enter into a lawful agreement with a health care provider licensed  
3 under this title regarding fees, compensation, and business association."

4

5 **Section 6.** Section 37-29-104, MCA, is amended to read:

6 **"37-29-104. Health insurance policies to include dentist services.** ~~Notwithstanding any provision~~  
7 ~~of any~~ If a policy of insurance covering health, whenever such policy provides for reimbursement for any service  
8 that is within the lawful scope of practice of a dentist or a medical dentist, the insured under such that policy  
9 is entitled to reimbursement for such the service, whether the service is performed by a licensed dentist, or a  
10 licensed dentist, or a licensed medical dentist."

11

12 **Section 7.** Section 37-29-201, MCA, is amended to read:

13 **"37-29-201. Board powers and duties.** ~~The~~ In addition to the powers and duties provided under chapter  
14 1, part 3, of this title, the board has the following powers and duties:

15 (1) ~~determination of~~ to determine the qualifications of applicants for licensure under this chapter;

16 (2) ~~administration of~~ to administer examinations for licensure under this chapter;

17 (3) ~~collection of~~ to collect fees and charges prescribed in this chapter;

18 (4) ~~issuance, suspension, and revocation of~~ to issue, suspend, or revoke licenses for the practice of  
19 dentistry or medical dentistry under the conditions prescribed in this chapter; ~~and~~

20 (5) to adopt, amend, and repeal rules necessary for the implementation, ~~continuation,~~ and enforcement  
21 of this chapter, including but not limited to form and display of licenses, license examination format, criteria and  
22 grading of examinations, and disciplinary standards for licensees;

23 (6) to assess license fees to fund the reasonable expenses of the board;

24 (7) to aid any county attorney in this state in enforcing this chapter and prosecuting individuals charged  
25 with violations of this chapter; and

26 (8) to adopt a seal on which appears the words "The Montana Board of Medical Dentistry Examiners"  
27 and "Official Seal", under which the board may authenticate acts and orders of the board and licenses issued by  
28 the board."

29

30 **Section 8.** Section 37-29-301, MCA, is amended to read:

1           **"37-29-301. License to practice required -- limitation on use of title.** (1) A person ~~shall~~ must hold  
2 a license for the practice of dentistry ~~in order~~ or medical dentistry to perform the following acts:

3           ~~(1)(a) engaging or offering to engage in the practice of dentistry~~ or medical dentistry; or

4           ~~(2)(b) the use in connection with the person's name of any of the following: the word or letters "denturist",~~  
5 the letters "L.D.", or any other words, letters, abbreviations, or insignia implying that the person is engaged in the  
6 practice of dentistry or medical dentistry.

7           (2) Unless licensed under this chapter, a person may not use the title "medical denturist", "doctor of  
8 medical denturist", or "doctor of denturist".

9

10           **Section 9.** Section 37-29-302, MCA, is amended to read:

11           **"37-29-302. Exceptions.** The provisions of this chapter do not apply to:

12           (1) a person interning under the direct supervision of a licensed dentist or licensed medical dentist  
13 as required by ~~37-29-303(2)~~ 37-29-303, provided that a the dentist or medical dentist may not supervise more  
14 than one intern at any one time;

15           (2) the practice of dentistry or medicine by persons authorized to do so by the state of Montana; or

16           (3) a student of dentistry in pursuit of clinical studies under a school program or internship as required  
17 by 37-29-303."

18

19           **Section 10.** Section 37-29-303, MCA, is amended to read:

20           **"37-29-303. Application for license.** (1) A person applying for a license to practice dentistry or medical  
21 dentistry shall apply to the department on a form approved by the board.

22           (2) The application must be accompanied by the license fee, documents, affidavits, and certificates  
23 necessary to establish that the applicant possesses the qualifications prescribed by this chapter apart from an  
24 examination required by the board.

25           (3) The burden of proof is on the applicant, but the department may independently investigate to  
26 determine whether the applicant possesses the qualifications and whether the applicant has committed  
27 unprofessional conduct. The applicant shall provide necessary authorization for the release of pertinent records  
28 and information to the department.

29           (4) ~~Upon application and payment of the appropriate fee, the~~ The board shall issue a license to practice  
30 dentistry to any applicant who has followed the process in subsections (1) through (3) and who meets the

1 following criteria and scores a passing grade on the examination for licensure:

2 ~~(1)(a)~~ documentation that the applicant has completed formal training of not less than 2 years at an  
 3 educational institution accredited by a national or regional accrediting agency recognized by the Montana state  
 4 board of regents, the approved medical dentistry school. The approved medical dentistry school's curriculum  
 5 of which includes must include courses in head and oral anatomy and physiology, oral pathology, microbiology,  
 6 partial denture construction and design, ~~clinical dental technology~~, radiology, dental laboratory technology,  
 7 asepsis, clinical jurisprudence, and medical emergencies, including cardiopulmonary resuscitation; and

8 ~~(2)(b)~~ documentation that the applicant:

9 ~~(a)(i)~~ has completed 1 year of internship under the direct supervision of a licensed dentist; or

10 ~~(b)(ii)~~ has 3 years of experience as a dentist under licensure in another state or ~~Canada~~ a foreign  
 11 country that has similar statutory provisions as determined by the board.

12 (5) The board shall issue a license to practice medical dentistry to any applicant who has followed the  
 13 process in subsections (1) through (3) and who provides:

14 (a) a certificate of successful completion of a medical dentistry examination recognized by the board;

15 (b) three affidavits of good moral character;

16 (c) proof of a current cardiopulmonary resuscitation card; and

17 (d) documentation that the applicant has completed 1 year of internship under the direct supervision of  
 18 a medical dentist licensed under this section or has a minimum of 3 years of experience as a medical dentist  
 19 licensed in another state or a foreign country that has similar statutory provisions as determined by the board.

20 (6) An applicant who is a graduate of a foreign school of dentistry, medical dentistry, dentistry, or  
 21 denturism may be required to pass an examination by an approved medical dentistry school and attain a passing  
 22 grade as determined by the board by rule. If an applicant is prevented from taking a scheduled examination  
 23 through no fault of the applicant, the applicant may, within 2 years, take the examination without submitting a new  
 24 application. If an applicant fails one component part of the examination but passes other component parts, the  
 25 applicant may take the part of the examination that the applicant failed up to two additional times without  
 26 resubmitting an application."

27

28 **Section 11.** Section 37-29-306, MCA, is amended to read:

29 **"37-29-306. Licensing -- renewal -- license by reciprocity or endorsement -- rulemaking.** (1) A  
 30 dentist or medical dentist license is valid for a period established by department rule. A dentist or a medical

1 denturist who is renewing a license shall submit proof to the department that the denturist or medical denturist  
 2 holds a current cardiopulmonary resuscitation card.

3 (2) ~~An~~ A renewal application must be submitted on a form furnished by the department. Each renewal  
 4 application must include all other documentation necessary to establish that the applicant meets the requirements  
 5 for licensure and is eligible to take the licensure examination. An application established by the board by rule and  
 6 must be accompanied by the appropriate fees.

7 (3) (a) A license by reciprocity may be provided to an applicant who has a valid, unsuspended,  
 8 unrevoked license or certificate issued on the basis of an examination by an examining board under the laws of  
 9 another state, a territory, or a geographical area within the jurisdiction of the United States, including that of an  
 10 Indian tribe, or of the District of Columbia or of a foreign country if the board determines that the standards under  
 11 which the license was issued are essentially equivalent to those of this state for granting a license to practice  
 12 denturtry or medical denturtry.

13 (b) If the applicant seeking a license to practice denturtry or medical denturtry by reciprocity has not  
 14 passed a denturtry or medical denturtry examination recognized by the board, the board may require passage  
 15 of that examination prior to issuing a license.

16 (c) The board may by rule adopt reciprocity or endorsement requirements to adapt to changes in  
 17 standards in the practice of denturtry or medical denturtry."

18

19 **Section 12.** Section 37-29-401, MCA, is amended to read:

20 **"37-29-401. Standards of conduct and practice.** (1) Each denturist and each medical denturist shall  
 21 comply with the following standards of practice:

22 (1)(a) ~~(1)~~ (a) Each licensed denturist or medical denturist shall carry a current cardiopulmonary resuscitation  
 23 card.

24 (b) Each licensed denturist or medical denturist shall show proof of training in the use of an automated  
 25 external defibrillator.

26 (c) Each office in which a denturist or a medical denturist works must meet the standards of sterilization  
 27 for dental and medical practitioners as determined by the U.S. occupational safety and health administration.

28 (2)(d) ~~(2)~~ (d) Teeth and materials used must meet American dental association standards.

29 (3)(e) ~~(3)~~ (e) Nonmetal full dentures must be permanently identified with the first and last name of the owner  
 30 at the time of processing the dentures unless the patient states otherwise.

1           (2) The board may hold the supervising denturist or medical denturist responsible for any acts of or  
2 omissions by a denturist assistant or a denturist technician acting in the ordinary course and scope of assigned  
3 duties."

4  
5           **Section 13.** Section 37-29-402, MCA, is amended to read:  
6           **"37-29-402. Prohibitions.** ~~(1) No~~ A licensed denturist may not:  
7           ~~(1)~~(a) extract or attempt to extract teeth;  
8           ~~(2)~~(b) initially insert immediate dentures in the mouth of the intended wearer;  
9           ~~(3)~~(c) diagnose or treat any abnormalities, except that a licensed denturist may apply tissue conditioning  
10 agents;  
11           ~~(4)~~(d) recommend any prescription drug for any oral or medical disease; or  
12           ~~(5)~~(e) construct or fit orthodontic appliances.

13           (2) A licensed medical denturist may not perform any oral service not fully covered in the medical  
14 denturist's educational history as presented under the council on medical denturist education of the American  
15 academy of medical denturist and not fully covered in a medical denturist examination recognized by the board."

16  
17           **Section 14.** Section 37-29-403, MCA, is amended to read:  
18           **"37-29-403. Procedure for making and fitting partial denture.** (1) Prior to making and fitting a partial  
19 denture, a denturist shall:

- 20           (a) formulate a study model of the intended denture;
- 21           (b) refer the patient to a dentist or a medical denturist, together with the model for tooth cleaning, mouth  
22 preparation, and x-rays, as needed; and
- 23           (c) make the partial denture and fit it to the existing teeth after the dentist or medical denturist has  
24 completed the procedures listed in subsection (1)(b) and in accordance with the dentist's or medical denturist's  
25 recommendations.

26           (2) A denturist may not cut, surgically remove, or surgically reduce any tissue or teeth in the process of  
27 fitting a partial denture."

28  
29           **Section 15.** Section 37-29-405, MCA, is amended to read:  
30           **"37-29-405. Advertising restrictions.** A person, including a firm, a corporation, or a licensed health care

1 practitioner, may not advertise in any form or represent or hold out to the public that the person is a dentist or  
2 a medical dentist or is practicing dentistry or medical dentistry unless licensed under this chapter."

3  
4 **NEW SECTION. Section 16. Fees -- restriction of fee imposition authority.** (1) The initial licensing  
5 fee is:

6 (a) \$350 for a dentist license; and

7 (b) \$550 for a medical dentist license.

8 (2) Renewal fees are as provided by the board by rule.

9 (3) A municipality or any other local government subdivision of the state may not impose a license or  
10 renewal fee on a person licensed under this chapter.

11  
12 **NEW SECTION. Section 17. Notice of change of address or name.** An applicant for a license to  
13 practice dentistry or medical dentistry in this state shall designate in the application the applicant's correct and  
14 official address to which the department shall send communications, notices, orders, citations, or any other  
15 process that affects the potential licensee. The applicant or licensee shall also notify the department within 30  
16 days of a change of name or a change of address. The notification, which must include both old and new names  
17 or old and new addresses, must be done electronically or in writing. The department shall record the change of  
18 information on receipt.

19  
20 **NEW SECTION. Section 18. Investigation -- suspension of license.** (1) The department may  
21 investigate whenever the department learns of a reason to suspect that a licensee under this chapter:

22 (a) is mentally or physically unable to safely engage in the practice of dentistry or medical dentistry;

23 (b) has procured a license to practice dentistry or medical dentistry by fraud, misrepresentation, or  
24 mistake;

25 (c) has been declared incompetent by a court of competent jurisdiction and has not later been lawfully  
26 declared competent or has a condition that impairs the person's intellect or judgment to the extent that the  
27 condition incapacitates the person for the safe performance of professional duties;

28 (d) has been accused of unprofessional conduct;

29 (e) has practiced dentistry or medical dentistry with a suspended or revoked license;

30 (f) has had a license to practice dentistry or medical dentistry suspended or revoked by any licensing

1 authority for a reason other than nonpayment of fees; or

2 (g) has violated the terms of probation while under probation.

3 (2) (a) The investigation must be for the purpose of determining the probability that the alleged conditions  
4 exist or that the alleged offenses were committed. Upon order of the board, the investigation may include  
5 requiring the person to submit to a physical examination or a mental examination or both by one or more  
6 physicians selected by the board if the board considers the examination necessary to protect public health and  
7 safety.

8 (b) Under the permitted disclosures allowed by 45 CFR 164.512(j)(1), the board may examine hospital  
9 records and reports of a licensee as part of the investigation. A hospital or physician consulted under this  
10 subsection (2) shall release copies of the examination conducted under subsection (2)(a) on the board's written  
11 request, and the provisions of 50-16-525 apply.

12 (c) The investigator, the board, and the department shall develop reasonable safeguards to protect the  
13 information from improper disclosure, including procedures to remove or destroy the information at the earliest  
14 opportunity after the investigation has been completed.

15 (3) The board may suspend a license issued under this chapter if a licensee has been declared by a  
16 court of competent jurisdiction, either by final order or adjudication, to be mentally incompetent, to be addicted  
17 to the use of addictive substances, or to have been committed pursuant to 53-2-127. The license suspension  
18 must continue until the licensee is found or adjudged by the court to be restored to competency and the person's  
19 professional competence has been proved to the satisfaction of the board.

20

21 **Section 19.** Section 50-16-529, MCA, is amended to read:

22 **"50-16-529. Disclosure without patient's authorization based on need to know.** A health care  
23 provider may disclose health care information about a patient without the patient's authorization, to the extent a  
24 recipient needs to know the information, if the disclosure is:

25 (1) to a person who is providing health care to the patient;

26 (2) to any other person who requires health care information for health care education; to provide  
27 planning, quality assurance, peer review, or administrative, legal, financial, or actuarial services to the health care  
28 provider; for assisting the health care provider in the delivery of health care; or to a third-party health care payor  
29 who requires health care information and if the health care provider reasonably believes that the person will:

30 (a) not use or disclose the health care information for any other purpose; and

- 1 (b) take appropriate steps to protect the health care information;
- 2 (3) to any other health care provider who has previously provided health care to the patient, to the extent  
3 necessary to provide health care to the patient, unless the patient has instructed the health care provider not to  
4 make the disclosure;
- 5 (4) to immediate family members of the patient or any other individual with whom the patient is known  
6 to have a close personal relationship, if made in accordance with the laws of the state and good medical or other  
7 professional practice, unless the patient has instructed the health care provider not to make the disclosure;
- 8 (5) to a health care provider who is the successor in interest to the health care provider maintaining the  
9 health care information;
- 10 (6) for use in a research project that an institutional review board has determined:
- 11 (a) is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result  
12 from the disclosure;
- 13 (b) is impracticable without the use or disclosure of the health care information in individually identifiable  
14 form;
- 15 (c) contains reasonable safeguards to protect the information from improper disclosure;
- 16 (d) contains reasonable safeguards to protect against directly or indirectly identifying any patient in any  
17 report of the research project; and
- 18 (e) contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes  
19 of the project, information that would enable the patient to be identified, unless an institutional review board  
20 authorizes retention of identifying information for purposes of another research project;
- 21 (7) to a person who obtains information for purposes of an audit, if that person agrees in writing to:
- 22 (a) remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information  
23 that would enable the patient to be identified; and
- 24 (b) not disclose the information further, except to accomplish the audit or to report unlawful or improper  
25 conduct involving fraud in payment for health care by a health care provider or patient or other unlawful conduct  
26 by a health care provider;
- 27 (8) to an official of a penal or other custodial institution in which the patient is detained; ~~and~~
- 28 (9) to any contact, as defined in 50-16-1003, if the health care provider reasonably believes that  
29 disclosure will avoid or minimize an imminent danger to the health or safety of the contact or any other individual;
- 30 or

1           (10) to an investigator for the department of labor and industry to determine the competency of a health  
2 care provider pursuant to [section 18]."

3

4           **Section 20.** Section 50-16-805, MCA, is amended to read:

5           **"50-16-805. Disclosure of information allowed for certain purposes.** (1) To the extent provided in  
6 39-71-604 and 50-16-527, a signed claim for workers' compensation or occupational disease benefits authorizes  
7 disclosure to the workers' compensation insurer, as defined in 39-71-116, by the health care provider.

8           (2) A health care provider may disclose health care information about an individual for law enforcement  
9 purposes if the disclosure is to:

10           (a) federal, state, or local law enforcement authorities to the extent required by law; or

11           (b) a law enforcement officer about the general physical condition of a patient being treated in a health  
12 care facility if the patient was injured by the possible criminal act of another.

13           (3) A health care provider may disclose health care information to a fetal, infant, child, and maternal  
14 mortality review team for the purposes of 50-19-402 [and to the Montana suicide review team for the purposes  
15 of 53-21-1105 through 53-21-1110]. (Bracketed language terminates June 30, 2016--sec. 16, Ch. 353, L. 2013.)

16           (4) A health care provider may disclose health care information as part of an investigation under [section  
17 18]."

18

19           **NEW SECTION. Section 21. Codification instruction.** (1) [Section 1] is intended to be codified as an  
20 integral part of Title 2, chapter 15, part 17, and the provisions of Title 2, chapter 15, part 17, apply to [section 1].

21           (2) [Sections 16, 17, and 18] are intended to be codified as an integral part of Title 37, chapter 29, and  
22 the provisions of Title 37, chapter 29, apply to [sections 16, 17, and 18].

23

24           **NEW SECTION. Section 22. Severability.** If a part of [this act] is invalid, all valid parts that are  
25 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
26 the part remains in effect in all valid applications that are severable from the invalid applications.

27

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