

Unofficial Draft Copy

As of: July 16, 2010 (1:24pm)

LCimpr

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act to provide automatic revocation of a license for licensees who plead guilty to a felony, are convicted of a felony, or lose federally granted prescription authority; amending section 37-1-312, MCA;."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 37-1-312, MCA, is amended to read:

"37-1-312. Sanctions -- stay -- costs -- stipulations. (1)

~~Upon a decision~~ Except as provided in subsection (3), if the board determines that a licensee or license applicant has violated this part or is unable to practice with reasonable skill and safety due to a physical or mental condition or upon stipulation of the parties as provided in subsection ~~(3)~~ (4), the board may issue an order providing for one or any combination of the following sanctions:

- (a) revocation of the license;
- (b) suspension of the license for a fixed or indefinite term;
- (c) restriction or limitation of the practice;
- (d) satisfactory completion of a specific program of remedial education or treatment;
- (e) monitoring of the practice by a supervisor approved by

the disciplining authority;

(f) censure or reprimand, either public or private;

(g) compliance with conditions of probation for a designated period of time;

(h) payment of a fine not to exceed \$1,000 for each violation. Fines must be deposited in the state general fund.

(i) denial of a license application;

(j) refund of costs and fees billed to and collected from a consumer.

(2) Except as provided in subsection (3), a sanction may be totally or partly stayed by the board. To determine which sanctions are appropriate, the board shall first consider the sanctions that are necessary to protect or compensate the public. Only after the determination has been made may the board consider and include in the order any requirements designed to rehabilitate the licensee or license applicant.

(3) (a) A board that receives and confirms notice that a licensee has violated 37-1-316(1) shall order the revocation of the licensee's license. The licensee does not have a right to a separate hearing before the board.

(b) A board that confirms that the U.S. department of justice drug enforcement agency has revoked the registration of a licensee under chapters 3, 4, 6, 7, 8, or 20 to prescribe controlled substances under 21 U.S.C. 801 et seq. shall require a hearing for the licensee for a license revocation.

~~(3)~~(4) The licensee or license applicant may enter into a stipulated agreement resolving potential or pending charges that

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includes one or more of the sanctions in this section. The stipulation is an informal disposition for the purposes of 2-4-603.

~~(4)~~(5) A licensee shall surrender a suspended or revoked license to the board within 24 hours after receiving notification of the suspension or revocation by mailing it or delivering it personally to the board."

{*Internal References to 37-1-312:*

37-1-314 x 37-1-408 x 37-16-411 x 37-35-301*x
37-35-301* x 37-35-301x }

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