

Murdo, Patricia

From: Jim Smith [jimesmith@qwest.net]
Sent: Tuesday, November 01, 2005 3:07 PM
To: Murdo, Patricia; Paul Brand II; Lori Morin
Subject: Re: update on SJR 35 study - subcommittee appointed

Pat...thanks for the update. I was pleased to see the legislators agree to be on a subcommittee....it will help.

Pat, I'm going to list three policy considerations that I would like to introduce for discussion purposes at some point during the interim. These could be applied to all existing boards that have screening and adjudication panels to condier complaints. These policy recommendations are:

1. It needs to be made clear that meetings of the screening panel are Public Meetings. The public, licensees & most important, complainants must be allowed to address screening panels. This needs to be made explicit in statute or administrative rule.
2. Complainants ought to be infomred of their appeal rights. If there is the ability to request a Fair Hearing from the Department's Hearings Bureau, for example, that needs to be explained to complainants. This needs to be made explicit in statute or administrative rule.
3. Boards ought to be required to have an alternative method of handling a complaint when the subject of a complaint is a member of the Board. Boards need to have an alternative method, a contingency plan, a Plan B in place and available when the sunbject of a complaint is a member of the Board hearing the complaint. Again, this needs to be made explicit in statute or administrative rule.

I made these three recommendations to the Board of Pharmacy on October 13th at their meeting in Missoula. While these recommendations arise out of a particular situation, we believe they are relevant to other boards as well; and that these recommendations merit the consideration of the SJ 35 Work Group and the EAIC.

Your advice on how to proceed would be most appreciated, Pat. I can put all this in letter form on Pharmacy stationery.....or you can copy and send this email to the proper sub-group for their consideration?

I believe you are going to add me to a sub-group? Please let me know which one and when it might be meeting. Thanks,

Jim Smith
Montana Pharmacy Association

Murdo, Patricia wrote:

- > The Economic Affairs Committee agreed at its October 28 meeting to
- > provide a subcommittee to work with the study groups on SJR 35
- > concerns. Members of the subcommittee are: Senator Vicki Cocchiarella,
- > chair, and Representatives Tom McGillvray and Mike Milburn.
- >
- > The first subcommittee meeting will possibly be in December but more
- > likely in January. In the meantime, all the subgroups formed to
- > address SJR 35 resolution topics should add to their discussion topics
- > the following questions:
- >
- > 1) If no board existed (exists) for your profession or occupation, how

> would you prove it is necessary for public health, welfare, or safety?
>
> 2) How do you think fees should be determined?
>
> There will not be any work group meetings prior to the first meeting
> with the subcommittee. However, the work groups can begin sharing
> ideas through email if they would like. Please let me know if you
> would like your email shared with the subgroup (and I will distribute
> email addresses to each subgroup) OR let me know if you would prefer
> to have a section of the Economic Affairs Committee website where you
> could share ideas with one another.
>
> Thank you for your participation and willingness to work on how to
> improve professional and occupational licensing boards and programs in
> Montana. --
> Pat Murdo
> Legislative Services
> 406-444-3594