

## 1 HOUSE BILL NO. 321

2 INTRODUCED BY YOUNKIN, HURWITZ, ROSS, SCHRUMPF, B. THOMAS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR MEDICAL ASSISTANTS; PROVIDING A  
5 DEFINITION OF "MEDICAL ASSISTANT"; PROVIDING FOR EXEMPTION FROM LICENSING  
6 REQUIREMENTS; PROVIDING FOR PHYSICIAN OR PODIATRIST SUPERVISION OF AND RESPONSIBILITY  
7 FOR A MEDICAL ASSISTANT; REQUIRING THE BOARD OF MEDICAL EXAMINERS TO ADOPT  
8 GUIDELINES BY ADMINISTRATIVE RULE REGARDING THE PERFORMANCE OF ADMINISTRATIVE AND  
9 CLINICAL TASKS; AND AMENDING SECTIONS 37-3-102, 37-3-103, 37-3-303, AND 37-3-304, MCA; AND  
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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14 **Section 1.** Section 37-3-102, MCA, is amended to read:15 "37-3-102. **Definitions.** Unless the context requires otherwise, in this chapter, the following definitions  
16 apply:

17 (1) "Approved internship" means an internship training program of at least 1 year in a hospital that is  
18 either approved for intern training by the American osteopathic association or conforms to the minimum  
19 standards for intern training established by the council on medical education of the American medical association  
20 or successors. However, the board may, upon investigation, approve any other internship.

21 (2) "Approved medical school" means a school that either is accredited by the American osteopathic  
22 association or conforms to the minimum education standards established by the council on medical education  
23 of the American medical association or successors for medical schools or is equivalent in the sound discretion  
24 of the board. The board may, on investigation of the education standards and facilities, approve any medical  
25 school, including foreign medical schools.

26 (3) "Approved residency" means a residency training program in a hospital conforming to the minimum  
27 standards for residency training established by the council on medical education of the American medical  
28 association or successors or approved for residency training by the American osteopathic association. However,  
29 the board may upon investigation approve any other residency.

30 (4) "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

1 (j) the rendering of nursing services by registered or other nurses in the lawful discharge of their duties  
2 as nurses or of midwife services by registered nurse-midwives under the supervision of a licensed physician;

3 (k) the rendering of services by interns or resident physicians in a hospital or clinic in which they are  
4 training, subject to the conditions and limitations of this chapter. The board may require a resident physician to  
5 be licensed if the physician otherwise engages in the practice of medicine in the state of Montana.

6 (l) the rendering of services by a physical therapist, technician, medical assistant, as provided in [section  
7 51, or other paramedical specialist under the appropriate amount and type of supervision of a person licensed  
8 under the laws of this state to practice medicine, but this exemption does not extend the scope of a paramedical  
9 specialist;

10 (m) the rendering of services by a physician assistant-certified in accordance with Title 37, chapter 20;

11 (n) the practice by persons licensed under the laws of this state to practice a limited field of the healing  
12 arts, and not specifically designated, under the conditions and limitations defined by law;

13 (o) the execution of a death sentence pursuant to 46-19-103;

14 (p) the practice of direct-entry midwifery. For the purpose of this section, the practice of direct-entry  
15 midwifery means the advising, attending, or assisting of a woman during pregnancy, labor, natural childbirth,  
16 or the postpartum period. Except as authorized in 37-27-302, a direct-entry midwife may not dispense or  
17 administer a prescription drug, as those terms are defined in 37-7-101.

18 (q) the use of an automated external defibrillator pursuant to Title 50, chapter 6, part 5.

19 (2) Licensees referred to in subsection (1) who are licensed to practice a limited field of healing arts  
20 shall confine themselves to the field for which they are licensed or registered and to the scope of their respective  
21 licenses and, with the exception of those licensees who hold a medical degree, may not use the title "M.D." or  
22 any word or abbreviation to indicate or to induce others to believe that they are engaged in the diagnosis or  
23 treatment of persons afflicted with disease, injury, or defect of body or mind except to the extent and under the  
24 conditions expressly provided by the law under which they are licensed."  
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26 **Section 3.** Section 37-3-303, MCA, is amended to read:

27 **"37-3-303. Practice authorized by physician's certificate.** The physician's certificate authorizes the  
28 holder to perform one or more of the acts embraced in 37-3-102(6)(7) in a manner reasonably consistent with  
29 his the holder's training, skill, and experience."  
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1 NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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