

HOUSE BILL NO. 494
INTRODUCED BY B. WILSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING LICENSURE OF PHYSICIANS; PROVIDING FOR TEMPORARY LICENSURE OF PERSONS IN AN APPROVED RESIDENCY PROGRAM UPON CERTAIN CONDITIONS; AND AMENDING SECTIONS 37-3-304 AND 37-3-305, MCA."

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

Section 1. Section 37-3-304, MCA, is amended to read:

"37-3-304. Practice authorized by temporary certificate. (1) The A temporary certificate, which may be issued to any citizen or to an alien otherwise qualified for a physician's certificate and which may be issued for a period not to exceed 1 year, subject to renewal for additional periods of 1 year but not to exceed five such renewals, at the discretion of the board, authorizes the holder to perform one or more of the acts embraced listed in 37-3-102(6) in a manner reasonably consistent with his the holder's training, skill, and experience, subject; nevertheless, to all specifications, conditions, and limitations imposed by the board.

(2) A temporary certificate may not be issued for a period that exceeds 1 year. However, except as provided in subsection (3), a temporary certificate may be renewed, at the board's discretion, for additional 1-year periods, but may not be renewed more than five times.

(3) A person meeting the requirements of 37-3-305(5) may be granted a limited temporary certificate for a period of 3 months, which may be extended at the board's discretion upon a showing of good cause for a period not to exceed 3 months."

Section 2. Section 37-3-305, MCA, is amended to read:

"37-3-305. Qualifications for licensure. (1) Except as provided in ~~subsection~~ subsections (4) and (5), a person may not be granted a physician's license to practice medicine in this state unless the person:

- (a) is of good moral character, as determined by the board;
- (b) is a graduate of an approved medical school as defined in 37-3-102;
- (c) has completed an approved postgraduate program of at least 2 years or, in the opinion of the board, has had experience or training that is at least the equivalent of a 2-year postgraduate program;
- (d) has had a completed application file reviewed by a board member and, at the discretion of the board

member, has made a personal appearance before the board; and

(e) is able to communicate, in the opinion of the board, in the English language.

(2) The board may authorize the department to issue the license subject to terms of probation or other conditions or limitations set by the board or may refuse a license if the applicant has committed unprofessional conduct or is otherwise unqualified.

(3) A person may not be granted a temporary license to practice medicine in this state unless the person:

(a) is of good moral character, as determined by the board;

(b) is a graduate of an approved medical school as defined in 37-3-102;

(c) has completed an approved postgraduate program of at least 2 years or, in the opinion of the board, has had experience or training that is at least the equivalent of a 2-year postgraduate program; and

(d) is able, in the opinion of the board, to communicate in the English language.

(4) The 2-year minimum requirements in subsections (1)(c) and (3)(c) do not apply to a person who:

(a) has completed an approved internship of at least 1 year or in the opinion of the board has had experience or training that is at least the equivalent of a 1-year internship;

(b) is a resident in good standing with the Montana family practice residency program; and

(c) is seeing patients under the supervision of a physician who possesses a current, unrestricted license to practice medicine in this state.

(5) The 2-year minimum requirements in subsections (1)(c) and (3)(c) do not apply to a person who:

(a) has completed an approved internship of at least 1 year or, in the opinion of the board, has had experience or training that is at least the equivalent of a 1-year internship;

(b) is a resident in good standing with a program accredited by the accreditation council for graduate medical education or the American osteopathic association;

(c) in the course of an approved rotation of the person's residency program, is seeing patients under the supervision of a physician who possesses a current, unrestricted license to practice medicine in this state;

(d) makes application to the department on a form prescribed by the board; and

(e) pays a fee set by the board, as provided in 37-3-308."

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