

HOUSE BILL NO. 538

INTRODUCED BY M. HOPKINS

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING, REORGANIZING, AND UPDATING LAWS RELATED  
5 TO EMERGENCY CARE PROVIDERS; PROVIDING THAT EMERGENCY CARE PROVIDERS MAY RECEIVE  
6 AN ENDORSEMENT TO PRACTICE AS COMMUNITY VETERAN EMERGENCY CARE PROVIDERS BASED  
7 ON SPECIAL ADDITIONAL TRAINING; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS  
8 2-15-1731, 7-33-4510, 7-34-102, 37-3-102, 37-3-203, 37-3-303, 37-20-303, 37-27-104, 39-71-118, 45-5-214,  
9 46-4-114, 50-6-105, 50-6-206, 50-6-302, 50-6-322, 50-6-323, 50-6-506, 50-9-102, 50-16-701, 61-2-502,  
10 61-2-503, AND 61-2-504, MCA; AND REPEALING SECTIONS 50-6-201, 50-6-202, 50-6-203, AND 50-6-207,  
11 MCA."

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

14  
15 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 5], the following definitions  
16 apply:

- 17 (1) "Board" means the Montana state board of medical examiners provided for in 2-15-1731.
- 18 (2) "Community veteran emergency care provider" or "CVECP" means an emergency care provider who  
19 has completed the training specified in [section 3] and received an endorsement by the board after having  
20 demonstrated a level of competence within the scope of practice described in [section 4].
- 21 (3) "Emergency care provider" or "ECP" means a person licensed by the board pursuant to [sections 1  
22 through 5], including but not limited to an emergency medical responder, an emergency medical technician, an  
23 advanced emergency medical technician, or a paramedic.
- 24 (4) "Endorsement" means a defined set of skills and knowledge that expands the scope of practice of  
25 an ECP as approved by the board.
- 26 (5) "Medical director" means a physician licensed under Title 37, chapter 3, or a physician assistant  
27 licensed under Title 37, chapter 20, who is responsible professionally and legally for providing medical direction  
28 and oversight to an ECP.
- 29 (6) "Scope of practice" means the procedures, actions, and processes that may be performed by an ECP  
30 pursuant to [sections 1 through 5] as authorized by the board and a medical director.

- 1 (7) "Volunteer emergency care provider" means an ECP who provides emergency medical care:
- 2 (a) on the days and at the times of the day chosen by the individual; and
- 3 (b) for an emergency medical service other than:
- 4 (i) a private ambulance company unless the care is provided without compensation and outside of the
- 5 individual's regular work schedule; or
- 6 (ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a regular
- 7 basis with a regular, hourly wage to provide emergency medical care as part of the individual's job duties.

8

9 **NEW SECTION. Section 2. Powers and duties of board -- rulemaking -- ECP training and licensure**

10 **-- endorsements.** (1) After consultation with the department of public health and human services and other

11 appropriate departments, associations, and organizations, the board shall adopt rules governing emergency care

12 providers, including:

- 13 (a) training;
- 14 (b) licensure and license renewal; and
- 15 (c) the handling of complaints involving patient care provided by ECPs.

16 (2) The board shall by rule establish various levels of and special endorsements for ECPs and shall

17 specify for each level and endorsement the training requirements, acts allowed, licensure and license renewal

18 requirements, and any other requirements it considers necessary, subject to the provisions of 37-1-138 and

19 [sections 1 through 5].

20 (3) The board shall provide for an endorsement as a community veteran emergency care provider. The

21 board shall adopt rules governing the CVECP endorsement, including but not limited to:

- 22 (a) training, which may not require training by a college or under a degree program and must comply with
- 23 [section 3];
- 24 (b) licensure and license renewal, which may not require training by a college or under a degree
- 25 program; and
- 26 (c) the handling of complaints involving patient care provided by a CVECP.

27

28 **NEW SECTION. Section 3. Training requirements for CVECP endorsement.** To receive an

29 endorsement as a community veteran emergency care provider, an ECP must complete a training course that

30 includes but is not limited to the following topics:

- 1 (1) crisis and suicide intervention counseling and how to recognize mental health issues, provide  
2 emergency care, and refer the person to appropriate mental health programs;
- 3 (2) pain and stress management techniques, including but not limited to acupuncture and acupressure,  
4 medication management, exercise, nutrition, and how to recognize pain or stress management issues, provide  
5 emergency care, and refer the person to appropriate community services;
- 6 (3) electronic medical records documentation;
- 7 (4) the needs and challenges of veterans and special considerations when treating veterans and their  
8 families; and
- 9 (5) benefit programs for veterans and social security benefits and referral of veterans and their families  
10 to appropriate entities to help facilitate benefit claims.

11

12 **NEW SECTION. Section 4. Scope of practice for CVECPs.** (1) A community veteran emergency care  
13 provider may practice only under the direction of a medical director.

14 (2) A CVECP's scope of practice includes the scope of practice set by the board for an ECP and  
15 additional practices consistent with the training requirements provided for pursuant to [section 3].

16

17 **NEW SECTION. Section 5. Construction.** [Sections 1 through 5] may not be construed to detract from  
18 the powers granted to the department of public health and human services to regulate emergency medical  
19 services provided for in Title 50, chapter 6, part 3.

20

21 **Section 6.** Section 2-15-1731, MCA, is amended to read:

22 **"2-15-1731. Board of medical examiners.** (1) There is a Montana state board of medical examiners.

23 (2) The board consists of 13 members appointed by the governor with the consent of the senate.  
24 Appointments made when the legislature is not in session may be confirmed at the next session.

25 (3) The members are:

26 (a) five members having the degree of doctor of medicine, including one member with experience in  
27 emergency medicine;

28 (b) one member having the degree of doctor of osteopathy;

29 (c) one member who is a licensed podiatrist;

30 (d) one member who is a licensed nutritionist;

- 1 (e) one member who is a licensed physician assistant;
- 2 (f) one member who is a licensed acupuncturist;
- 3 (g) one member who is a volunteer emergency ~~medical technician~~ care provider, as defined in ~~50-6-202~~  
4 [section 2]; and
- 5 (h) two members of the general public who are not medical practitioners.
- 6 (4) (a) The members having the degree of doctor of medicine may not be from the same county.
- 7 (b) The volunteer emergency ~~medical technician~~ care provider must have a demonstrated interest in and  
8 knowledge of state and national issues involving emergency medical service.
- 9 (c) Each member must be a citizen of the United States.
- 10 (d) Each member, except for public members, must have been licensed and must have practiced  
11 medicine, acupuncture, emergency medical care, or dietetics-nutrition in this state for at least 5 years and must  
12 have been a resident of this state for at least 5 years.
- 13 (5) Members shall serve staggered 4-year terms. A term begins on September 1 of each year of  
14 appointment. A member may be removed by the governor for neglect of duty, incompetence, or unprofessional  
15 or dishonorable conduct.
- 16 (6) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."  
17
- 18 **Section 7.** Section 7-33-4510, MCA, is amended to read:
- 19 **"7-33-4510. Workers' compensation for volunteer firefighters -- definitions.** (1) An employer may  
20 provide workers' compensation coverage as provided in Title 39, chapter 71, to any volunteer firefighter who is  
21 listed on a roster of service.
- 22 (2) An employer may purchase workers' compensation coverage from any entity authorized to provide  
23 workers' compensation coverage under plan No. 1, 2, or 3 as provided in Title 39, chapter 71.
- 24 (3) If an employer provides workers' compensation coverage as provided in this section, the employer  
25 may, upon payment of the filing fee provided for in 7-4-2631(1)(a), file a roster of service with the clerk and  
26 recorder in the county in which the employer is located and update the roster of service monthly if necessary to  
27 report changes in the number of volunteers on the roster of service. The clerk and recorder shall file the original  
28 and replace it with updates whenever necessary. The employer shall maintain the roster of service with the  
29 effective date of membership for each volunteer firefighter.
- 30 (4) For the purposes of this section, the following definitions apply:

1 (a) (i) "Employer" means the governing body of a fire agency organized under Title 7, chapter 33,  
 2 including a rural fire district, a fire service area, a volunteer fire department, a volunteer fire company, or a  
 3 volunteer rural fire control crew.

4 (ii) The term does not mean a governing body of a city of the first class or second class, including a city  
 5 to which 7-33-4109 applies, that provides workers' compensation coverage to employees as defined in  
 6 39-71-118.

7 (b) "Roster of service" means the list of volunteer firefighters who have filled out a membership card prior  
 8 to performing services as a volunteer firefighter.

9 (c) (i) "Volunteer firefighter" means a volunteer who is on the employer's roster of service. A volunteer  
 10 firefighter includes a volunteer emergency ~~medical technician~~ care provider as defined in ~~50-6-202~~ [section 2]  
 11 who is on the roster of service. A volunteer firefighter is not required to be an active member as defined in  
 12 19-17-102.

13 (ii) The term does not mean an individual who is not listed on a roster of service or a member of a  
 14 volunteer fire department provided for in 7-33-4109."

15

16 **Section 8.** Section 7-34-102, MCA, is amended to read:

17 **"7-34-102. Ambulance service mill levy permitted.** Subject to 15-10-420 and in addition to all other  
 18 levies authorized by law, each county, city, or town may levy an annual tax on the taxable value of all taxable  
 19 property within the county, city, or town to defray the costs incurred in providing ambulance service. These costs  
 20 may include workers' compensation coverage for emergency ~~medical technicians~~ care providers, as defined in  
 21 [section 2], on volunteer duty with the ambulance service or members of a paid or volunteer nontransporting  
 22 medical unit defined in 50-6-302."

23

24 **Section 9.** Section 37-3-102, MCA, is amended to read:

25 **"37-3-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions  
 26 apply:

27 (1) "ACGME" means the accreditation council for graduate medical education.

28 (2) "AOA" means the American osteopathic association.

29 (3) "Approved internship" means an internship training program of at least 1 year in a program that either  
 30 is approved for intern training by the AOA or conforms to the standards for intern training established by the

1 ACGME or successors. However, the board may, upon investigation, approve any other internship.

2 (4) "Approved medical school" means a school that either is accredited by the AOA or conforms to the  
3 education standards established by the LCME or the world health organization or successors for medical schools  
4 that meet standards established by the board by rule.

5 (5) "Approved residency" means a residency training program conforming to the standards for residency  
6 training established by the ACGME or successors or approved for residency training by the AOA.

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

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

9 (8) ~~"ECP" means an emergency care provider licensed by the board, including but not limited to an  
10 emergency medical responder, an emergency medical technician, an advanced emergency medical technician,  
11 or a paramedic.~~

12 ~~——(9) "LCME" means the liaison committee on medical education.~~

13 ~~(10)(9)~~ "Medical assistant" means an unlicensed allied health care worker who functions under the  
14 supervision of a physician or podiatrist in a physician's or podiatrist's office and who performs administrative and  
15 clinical tasks.

16 ~~(11)(10)~~ "Physician" means a person who holds a degree as a doctor of medicine or doctor of osteopathy  
17 and who has a valid license to practice medicine or osteopathic medicine in this state.

18 ~~(12)(11)~~ "Practice of medicine" means the diagnosis, treatment, or correction of or the attempt to or the  
19 holding of oneself out as being able to diagnose, treat, or correct human conditions, ailments, diseases, injuries,  
20 or infirmities, whether physical or mental, by any means, methods, devices, or instrumentalities, including  
21 electronic and technological means such as telemedicine. If a person who does not possess a license to practice  
22 medicine in this state under this chapter and who is not exempt from the licensing requirements of this chapter  
23 performs acts constituting the practice of medicine, the person is practicing medicine in violation of this chapter.

24 ~~(13)(12)~~ (a) "Telemedicine" means the practice of medicine using interactive electronic communications,  
25 information technology, or other means between a licensee in one location and a patient in another location with  
26 or without an intervening health care provider. Telemedicine typically involves the application of secure  
27 videoconferencing or store-and-forward technology, as defined in 33-22-138.

28 (b) The term does not mean an audio-only telephone conversation, an e-mail or instant messaging  
29 conversation, or a message sent by facsimile transmission."  
30

1           **Section 10.** Section 37-3-203, MCA, is amended to read:

2           **"37-3-203. Powers and duties.** (1) The board may:

3           (a) adopt rules necessary or proper to carry out the requirements in Title 37, chapter 3, parts 1 through  
4 4, as well as chapters covering podiatry, acupuncture, physician assistants, nutritionists, and emergency care  
5 providers as set forth in Title 37, chapters 6, 13, 20, ~~and 25~~, and ~~50-6-203~~ [sections 1 through 5], respectively.  
6 The rules must be fair, impartial, and nondiscriminatory.

7           (b) hold hearings and take evidence in matters relating to the exercise and performance of the powers  
8 and duties vested in the board;

9           (c) aid the county attorneys of this state in the enforcement of parts 1 through 4 and 8 of this chapter as  
10 well as Title 37, chapters 6, 13, 20, ~~and 25~~, and [sections 1 through 5], and Title 50, chapter 6, regarding  
11 emergency care providers licensed by the board. The board also may assist the county attorneys of this state  
12 in the prosecution of persons, firms, associations, or corporations charged with violations of the provisions listed  
13 in this subsection (1)(c).

14           (d) review certifications of disability and determinations of eligibility for a permit to hunt from a vehicle  
15 as provided in 87-2-803(11); and

16           (e) fund additional staff, hired by the department, to administer the provisions of this chapter, by  
17 increasing license fees as necessary.

18           (2) (a) The board shall establish a medical assistance program to assist and rehabilitate licensees who  
19 are subject to the jurisdiction of the board and who are found to be physically or mentally impaired by habitual  
20 intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness  
21 or chronic physical illness.

22           (b) The board shall ensure that a licensee who is required or volunteers to participate in the medical  
23 assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll  
24 in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified  
25 treatment program outside the state unless the board finds that there is no qualified treatment program in this  
26 state.

27           (3) (a) The board shall report annually on the number and types of complaints it has received involving  
28 physician practices in providing written certification, as defined in 50-46-302, for the use of marijuana for a  
29 debilitating medical condition provided for in Title 50, chapter 46. The report must contain:

30           (i) the number of complaints received by the board pursuant to 37-1-308;

1 (ii) the number of complaints for which a reasonable cause determination was made pursuant to  
2 37-1-307;

3 (iii) the general nature of the complaints;

4 (iv) the number of investigations conducted into physician practices in providing written certification; and

5 (v) the number of physicians disciplined by the board for their practices in providing written certification  
6 for the use of marijuana for a debilitating medical condition.

7 (b) Except as provided in subsection (3)(c), the report may not contain individual identifying information  
8 regarding the physicians about whom the board received complaints.

9 (c) For each physician against whom the board takes disciplinary action related to the physician's  
10 practices in providing written certification for the use of marijuana for a debilitating medical condition, the report  
11 must include:

12 (i) the name of the physician;

13 (ii) the general results of the investigation of the physician's practices; and

14 (iii) the disciplinary action taken against the physician.

15 (d) The board shall provide the report to the children, families, health, and human services interim  
16 committee by August 1 of each year and shall make a copy of the report available on the board's website.

17 (4) The board may enter into agreements with other states for the purposes of mutual recognition of  
18 licensing standards and licensing of physicians and ECPs from other states under the terms of a mutual  
19 recognition agreement."  
20

21 **Section 11.** Section 37-3-303, MCA, is amended to read:

22 **"37-3-303. Practice authorized by physician's license.** A physician's license authorizes the holder  
23 to perform one or more of the acts embraced in 37-3-102~~(42)~~(11) in a manner consistent with the holder's  
24 training, skill, and experience."  
25

26 **Section 12.** Section 37-20-303, MCA, is amended to read:

27 **"37-20-303. Exemptions from licensure requirement.** (1) This chapter does not prohibit or require a  
28 license as a physician assistant for the rendering of medical or medically related services if the service rendered  
29 is within the applicable scope of practice for any of the following individuals:

30 (a) a physician assistant providing services in an emergency or catastrophe, as provided in 37-20-410;



- 1 (b) a federally employed physician assistant;
- 2 (c) a registered nurse, an advanced practice registered nurse, a licensed practical nurse, or a medication  
3 aide licensed or authorized pursuant to Title 37, chapter 8;
- 4 (d) a student physician assistant when practicing in a hospital or clinic in which the student is training;
- 5 (e) a physical therapist licensed pursuant to Title 37, chapter 11;
- 6 (f) a medical assistant, as provided in 37-3-104;
- 7 (g) an emergency ~~medical technician~~ care provider licensed pursuant to ~~Title 50, chapter 6~~ sections 1  
8 through 5; or
- 9 (h) any other medical or paramedical practitioner, specialist, or medical assistant, technician, or aide  
10 when licensed or authorized pursuant to laws of this state.
- 11 (2) A licensee or other individual referred to in subsection (1) who is not a licensed physician assistant  
12 may not use the title "PA" or "PA-C" or any other word or abbreviation to indicate or induce others to believe that  
13 the individual is a physician assistant."

14

15 **Section 13.** Section 37-27-104, MCA, is amended to read:

16 **"37-27-104. Exemptions.** This chapter does not limit or regulate the practice of a licensed physician,  
17 certified nurse-midwife, or licensed ~~basic or advanced~~ emergency ~~medical technician~~ care provider, as defined  
18 in [section 2]. The practice of direct-entry midwifery does not constitute the practice of medicine, certified  
19 nurse-midwifery, or emergency medical care to the extent that a direct-entry midwife advises, attends, or assists  
20 a woman during pregnancy, labor, natural childbirth, or the postpartum period when the pregnancy is not a  
21 high-risk pregnancy."

22

23 **Section 14.** Section 39-71-118, MCA, is amended to read:

24 **"39-71-118. Employee, worker, volunteer, volunteer firefighter, and volunteer emergency medical**  
25 **technician care provider defined.** (1) As used in this chapter, the term "employee" or "worker" means:

26 (a) each person in this state, including a contractor other than an independent contractor, who is in the  
27 service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied,  
28 oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the  
29 elected and appointed paid public officers and officers and members of boards of directors of quasi-public or  
30 private corporations, except those officers identified in 39-71-401(2), while rendering actual service for the

1 corporations for pay. Casual employees, as defined by 39-71-116, are included as employees if they are not  
2 otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of  
3 the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic  
4 employment is excluded.

5 (b) any juvenile who is performing work under authorization of a district court judge in a delinquency  
6 prevention or rehabilitation program;

7 (c) a person who is receiving on-the-job vocational rehabilitation training or other on-the-job training  
8 under a state or federal vocational training program, whether or not under an appointment or contract of hire with  
9 an employer, as defined in 39-71-117, and, except as provided in subsection (9), whether or not receiving  
10 payment from a third party. However, this subsection (1)(c) does not apply to students enrolled in vocational  
11 training programs, as outlined in this subsection, while they are on the premises of a public school or community  
12 college.

13 (d) an aircrew member or other person who is employed as a volunteer under 67-2-105;

14 (e) a person, other than a juvenile as described in subsection (1)(b), who is performing community  
15 service for a nonprofit organization or association or for a federal, state, or local government entity under a court  
16 order, or an order from a hearings officer as a result of a probation or parole violation, whether or not under  
17 appointment or contract of hire with an employer, as defined in 39-71-117, and whether or not receiving payment  
18 from a third party. For a person covered by the definition in this subsection (1)(e):

19 (i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment  
20 award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part  
21 4, for a full-time employee at the time of the injury; and

22 (ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the  
23 minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service  
24 required under the order from the court or hearings officer.

25 (f) an inmate working in a federally certified prison industries program authorized under 53-30-132;

26 (g) a volunteer firefighter as described in 7-33-4109 or a person who provides ambulance services under  
27 Title 7, chapter 34, part 1;

28 (h) a person placed at a public or private entity's worksite pursuant to 53-4-704. The person is  
29 considered an employee for workers' compensation purposes only. The department of public health and human  
30 services shall provide workers' compensation coverage for recipients of financial assistance, as defined in

1 53-4-201, or for participants in the food stamp program, as defined in 53-2-902, who are placed at public or  
2 private worksites through an endorsement to the department of public health and human services' workers'  
3 compensation policy naming the public or private worksite entities as named insureds under the policy. The  
4 endorsement may cover only the entity's public assistance participants and may be only for the duration of each  
5 participant's training while receiving financial assistance or while participating in the food stamp program under  
6 a written agreement between the department of public health and human services and each public or private  
7 entity. The department of public health and human services may not provide workers' compensation coverage  
8 for individuals who are covered for workers' compensation purposes by another state or federal employment  
9 training program. Premiums and benefits must be based upon the wage that a probationary employee is paid for  
10 work of a similar nature at the assigned worksite.

11 (i) subject to subsection (11), a member of a religious corporation, religious organization, or religious  
12 trust while performing services for the religious corporation, religious organization, or religious trust, as described  
13 in 39-71-117(1)(d).

14 (2) The terms defined in subsection (1) do not include a person who is:

15 (a) performing voluntary service at a recreational facility and who receives no compensation for those  
16 services other than meals, lodging, or the use of the recreational facilities;

17 (b) performing services as a volunteer, except for a person who is otherwise entitled to coverage under  
18 the laws of this state. As used in this subsection (2)(b), "volunteer" means a person who performs services on  
19 behalf of an employer, as defined in 39-71-117, but who does not receive wages as defined in 39-71-123.

20 (c) serving as a foster parent, licensed as a foster care provider in accordance with 52-2-621, and  
21 providing care without wage compensation to no more than six foster children in the provider's own residence.  
22 The person may receive reimbursement for providing room and board, obtaining training, respite care, leisure  
23 and recreational activities, and providing for other needs and activities arising in the provision of in-home foster  
24 care.

25 (d) performing temporary agricultural work for an employer if the person performing the work is otherwise  
26 exempt from the requirement to obtain workers' compensation coverage under 39-71-401(2)(r) with respect to  
27 a company that primarily performs agricultural work at a fixed business location or under 39-71-401(2)(d) and is  
28 not required to obtain an independent contractor's exemption certificate under 39-71-417 because the person  
29 does not regularly perform agricultural work away from the person's own fixed business location. For the  
30 purposes of this subsection, the term "agricultural" has the meaning provided in 15-1-101(1)(a).

1           (3) With the approval of the insurer, an employer may elect to include as an employee under the  
2 provisions of this chapter a volunteer as defined in subsection (2)(b) or a volunteer firefighter as defined in  
3 7-33-4510.

4           (4) (a) If the employer is a partnership, limited liability partnership, sole proprietor, or a member-managed  
5 limited liability company, the employer may elect to include as an employee within the provisions of this chapter  
6 any member of the partnership or limited liability partnership, the owner of the sole proprietorship, or any member  
7 of the limited liability company devoting full time to the partnership, limited liability partnership, proprietorship, or  
8 limited liability company business.

9           (b) In the event of an election, the employer shall serve upon the employer's insurer written notice  
10 naming the partners, sole proprietor, or members to be covered and stating the level of compensation coverage  
11 desired by electing the amount of wages to be reported, subject to the limitations in subsection (4)(d). A partner,  
12 sole proprietor, or member is not considered an employee within this chapter until notice has been given.

13           (c) A change in elected wages must be in writing and is effective at the start of the next quarter following  
14 notification.

15           (d) All weekly compensation benefits must be based on the amount of elected wages, subject to the  
16 minimum and maximum limitations of this subsection (4)(d). For premium ratemaking and for the determination  
17 of the weekly wage for weekly compensation benefits, the electing employer may elect an amount of not less than  
18 \$900 a month and not more than 1 1/2 times the state's average weekly wage.

19           (5) (a) If the employer is a quasi-public or a private corporation or a manager-managed limited liability  
20 company, the employer may elect to include as an employee within the provisions of this chapter any corporate  
21 officer or manager exempted under 39-71-401(2).

22           (b) In the event of an election, the employer shall serve upon the employer's insurer written notice  
23 naming the corporate officer or manager to be covered and stating the level of compensation coverage desired  
24 by electing the amount of wages to be reported, subject to the limitations in subsection (5)(d). A corporate officer  
25 or manager is not considered an employee within this chapter until notice has been given.

26           (c) A change in elected wages must be in writing and is effective at the start of the next quarter following  
27 notification.

28           (d) For the purposes of an election under this subsection (5), all weekly compensation benefits must be  
29 based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection (5)(d).  
30 For premium ratemaking and for the determination of the weekly wage for weekly compensation benefits, the

1 electing employer may elect an amount of not less than \$200 a week and not more than 1 1/2 times the state's  
2 average weekly wage.

3 (6) Except as provided in Title 39, chapter 8, an employee or worker in this state whose services are  
4 furnished by a person, association, contractor, firm, limited liability company, limited liability partnership, or  
5 corporation, other than a temporary service contractor, to an employer, as defined in 39-71-117, is presumed to  
6 be under the control and employment of the employer. This presumption may be rebutted as provided in  
7 39-71-117(3).

8 (7) A student currently enrolled in an elementary, secondary, or postsecondary educational institution  
9 who is participating in work-based learning activities and who is paid wages by the educational institution or  
10 business partner is the employee of the entity that pays the student's wages for all purposes under this chapter.  
11 A student who is not paid wages by the business partner or the educational institution is a volunteer and is subject  
12 to the provisions of this chapter.

13 (8) For purposes of this section, an "employee or worker in this state" means:

14 (a) a resident of Montana who is employed by an employer and whose employment duties are primarily  
15 carried out or controlled within this state;

16 (b) a nonresident of Montana whose principal employment duties are conducted within this state on a  
17 regular basis for an employer;

18 (c) a nonresident employee of an employer from another state engaged in the construction industry, as  
19 defined in 39-71-116, within this state; or

20 (d) a nonresident of Montana who does not meet the requirements of subsection (8)(b) and whose  
21 employer elects coverage with an insurer that allows an election for an employer whose:

22 (i) nonresident employees are hired in Montana;

23 (ii) nonresident employees' wages are paid in Montana;

24 (iii) nonresident employees are supervised in Montana; and

25 (iv) business records are maintained in Montana.

26 (9) An insurer may require coverage for all nonresident employees of a Montana employer who do not  
27 meet the requirements of subsection (8)(b) or (8)(d) as a condition of approving the election under subsection  
28 (8)(d).

29 (10) (a) An ambulance service not otherwise covered by subsection (1)(g) or a paid or volunteer  
30 nontransporting medical unit, as defined in 50-6-302, in service to a town, city, or county may elect to include as

1 an employee within the provisions of this chapter a volunteer emergency ~~medical technician~~ care provider as  
 2 defined in [section 2] who serves public safety through the ambulance service not otherwise covered by  
 3 subsection (1)(g) or the paid or volunteer nontransporting medical unit. The ambulance service or nontransporting  
 4 medical unit may purchase workers' compensation coverage from any entity authorized to provide workers'  
 5 compensation coverage under plan No. 1, 2, or 3 as provided in this chapter.

6 (b) If there is an election under subsection (10)(a), the employer shall report payroll for all volunteer  
 7 emergency ~~medical technicians~~ care providers for premium and weekly benefit purposes based on the number  
 8 of volunteer hours of each emergency ~~medical technician~~ care provider, but no more than 60 hours, times the  
 9 state's average weekly wage divided by 40 hours.

10 (c) An ambulance service not otherwise covered by subsection (1)(g) or a paid or volunteer  
 11 nontransporting medical unit, as defined in 50-6-302, may make a separate election to provide benefits as  
 12 described in this subsection (10) to a member who is either a self-employed sole proprietor or partner who has  
 13 elected not to be covered under this chapter, but who is covered as a volunteer emergency ~~medical technician~~  
 14 care provider pursuant to subsection (10)(a). When injured in the course and scope of employment as a volunteer  
 15 emergency ~~medical technician~~ care provider, a member may instead of the benefits described in subsection  
 16 (10)(b) be eligible for benefits at an assumed wage of the minimum wage established under Title 39, chapter 3,  
 17 part 4, for 2,080 hours a year. If the separate election is made as provided in this subsection (10), payroll  
 18 information for those self-employed sole proprietors or partners must be reported and premiums must be  
 19 assessed on the assumed weekly wage.

20 (d) A volunteer emergency ~~medical technician~~ care provider who receives workers' compensation  
 21 coverage under this section may not receive disability benefits under Title 19, chapter 17, if the individual is also  
 22 eligible as a volunteer firefighter.

23 (e) (i) The term "volunteer emergency ~~medical technician~~ care provider" means a ~~person~~ volunteer who  
 24 has received ~~a certificate~~ an emergency care provider license issued by the board of medical examiners as  
 25 provided in ~~Title 50, chapter 6, part 2~~ [sections 1 through 5], and who serves the public through an ambulance  
 26 service not otherwise covered by subsection (1)(g) or a paid or volunteer nontransporting medical unit, as defined  
 27 in 50-6-302, in service to a town, city, or county.

28 (ii) The term does not include a volunteer emergency ~~medical technician~~ care provider who serves an  
 29 employer as defined in 7-33-4510.

30 (f) The term "volunteer hours" means the time spent by a volunteer emergency ~~medical technician~~ care

1 provider in the service of an employer or as a volunteer for a town, city, or county, including but not limited to  
2 training time, response time, and time spent at the employer's premises.

3 (11) The definition of "employee" or "worker" in subsection (1)(i) is limited to implementing the  
4 administrative purposes of this chapter and may not be interpreted or construed to create an employment  
5 relationship in any other context."

6

7 **Section 15.** Section 45-5-214, MCA, is amended to read:

8 **"45-5-214. Assault with bodily fluid.** (1) A person commits the offense of assault with a bodily fluid if  
9 the person purposely causes one of the person's bodily fluids to make physical contact with:

10 (a) a law enforcement officer, a staff person of a correctional or detention facility, or a health care  
11 provider, as defined in 50-4-504, including a health care provider performing emergency services, while the health  
12 care provider is acting in the course and scope of the health care provider's profession and occupation:

13 (i) during or after an arrest for a criminal offense;

14 (ii) while the person is incarcerated in or being transported to or from a state prison, a county, city, or  
15 regional jail or detention facility, or a health care facility; or

16 (iii) if the person is a minor, while the youth is detained in or being transported to or from a county, city,  
17 or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention facility,  
18 short-term detention center, state youth correctional facility, health care facility, or shelter care facility; or

19 (b) an emergency responder.

20 (2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed  
21 \$1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both.

22 (3) The youth court has jurisdiction of any violation of this section by a minor, unless the charge is filed  
23 in district court, in which case the district court has jurisdiction.

24 (4) As used in this section, the following definitions apply:

25 (a) "Bodily fluid" means any bodily secretion, including but not limited to feces, urine, blood, and saliva.

26 (b) "Emergency responder" means a licensed medical services provider, law enforcement officer,  
27 firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency medical ~~technician~~ care  
28 provider as defined in [section 2], emergency nurse, ambulance operator, provider of civil defense services, or  
29 any other person who in good faith renders emergency care or assistance at a crime scene or the scene of an  
30 emergency or accident."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**Section 16.** Section 46-4-114, MCA, is amended to read:

**"46-4-114. Reporting fetal deaths.** A licensed nurse, a midwife, a physician assistant, an emergency ~~medical technician~~ care provider as defined in [section 2], a birthing assistant, or any other person who assists in the delivery that occurs outside a licensed medical facility of a fetus that is believed or declared to be dead shall report the death by the earliest means available to the coroner of the county in which the death occurred."

**Section 17.** Section 50-6-105, MCA, is amended to read:

**"50-6-105. Emergency medical care standards -- review process.** (1) The board of medical examiners shall establish patient care standards for prehospital and interfacility emergency medical treatment and transportation.

(2) (a) Complaints involving prehospital care, interfacility care, or the operation of an emergency medical service, as defined in 50-6-302, must be filed with the board and reviewed by a screening panel pursuant to 37-1-307.

(b) If a complaint is initially filed with the department of public health and human services, the department shall refer the complaint to the board for review by a screening panel.

(3) (a) When a complaint involves the operation or condition of an emergency medical service, the screening panel shall refer the complaint to the department for investigation as provided in 50-6-323.

(b) When a complaint involves patient care provided by an emergency ~~medical technician~~ care provider as defined in 50-6-302, the screening panel shall:

(i) refer the complaint to the board for investigation as provided in 37-1-308 and ~~50-6-293~~ [section 2];  
and

(ii) forward to the department the complaint and the results of the screening panel's initial review as soon as the review is completed.

(c) When a complaint involves a combination of patient care and emergency medical service matters, the screening panel shall refer the complaint to both the department and the board for matters that fall within the jurisdiction of each entity.

(4) For a complaint involving patient care, the board shall:

(a) immediately share with the department any information indicating:

(i) a potential violation of department rules; or



1 (ii) that the existing policies or practices of an emergency medical service may be jeopardizing patient  
2 care; and

3 (b) notify the department when:

4 (i) a sanction is imposed upon an emergency ~~medical technician~~ care provider; or

5 (ii) the complaint is resolved.

6 (5) For a complaint involving an emergency medical service, the department shall:

7 (a) immediately share with the board any information indicating:

8 (i) a potential violation of board rules; or

9 (ii) that the practices of an emergency ~~medical technician~~ care provider may be jeopardizing patient care;

10 and

11 (b) notify the board when:

12 (i) a sanction is imposed upon an emergency medical service; or

13 (ii) the complaint is resolved."

14

15 **Section 18.** Section 50-6-206, MCA, is amended to read:

16 **"50-6-206. Consent.** ~~No~~ An emergency medical ~~technician~~ care provider may not be subject to civil  
17 liability for failure to obtain consent in performing acts as authorized ~~herein~~ pursuant to [sections 1 through 5] and  
18 this section to any individual regardless of age where the patient is unable to give consent and there is no other  
19 person present legally authorized to consent, provided that ~~such~~ the acts are in good faith and without knowledge  
20 of facts negating consent."

21

22 **Section 19.** Section 50-6-302, MCA, is amended to read:

23 **"50-6-302. Definitions.** As used in this part, unless the context requires otherwise, the following  
24 definitions apply:

25 (1) "Aircraft" has the meaning provided in 67-1-101. The term includes any fixed-wing airplane or  
26 helicopter.

27 (2) (a) "Ambulance" means a privately or publicly owned motor vehicle or aircraft that is maintained and  
28 used for the transportation of patients.

29 (b) The term does not include:

30 (i) a motor vehicle or aircraft owned by or operated under the direct control of the United States; or

1 (ii) air transportation services, such as charter or fixed-based operators, that are regulated by the federal  
2 aviation administration and that offer no special medical services or provide only transportation to patients or  
3 persons at the direction or under the supervision of an independent physician.

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

5 (4) "Department" means the department of public health and human services provided for in 2-15-2201.

6 (5) "Emergency care provider" has the meaning provided in [section 2].

7 (6) "Emergency medical service" means a prehospital or interfacility emergency medical transportation  
8 or treatment service provided by an ambulance or nontransporting medical unit that is licensed by the department.

9 ~~(6)~~(7) "Nonemergency ambulance transport" means the use of an ambulance to transport a patient  
10 between health care facilities, as defined in 50-5-101, including federal facilities, when the patient's medical  
11 condition requires special transportation considerations, supervision, or handling but does not indicate a need  
12 for medical treatment during transit or for emergency medical treatment upon arrival at the receiving health care  
13 facility.

14 ~~(7)~~(8) "Nontransporting medical unit" means an aggregate of persons who are organized to respond to  
15 a call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting  
16 medical units provide any one of varying types and levels of service defined by department rule but may not  
17 transport patients.

18 ~~(8)~~(9) "Offline medical direction" means the function of a board-licensed physician or physician assistant  
19 in providing:

20 (a) medical oversight and supervision for an emergency medical service or an emergency ~~medical~~  
21 ~~technician~~ care provider; and

22 (b) review of patient care techniques, emergency medical service procedures, and quality of care.

23 ~~(9)~~(10) "Online medical direction" means the function of a board-licensed physician or physician assistant  
24 or the function of a designee of the physician or physician assistant in providing direction, advice, or orders to  
25 an emergency ~~medical technician~~ care provider for prehospital and interfacility emergency care as identified in  
26 a plan for offline medical direction.

27 ~~(10)~~(11) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or  
28 helpless.

29 (b) The term does not include an individual who is nonambulatory and who needs transportation  
30 assistance solely because that individual is confined to a wheelchair as the individual's usual means of mobility.

1           ~~(11)~~(12) "Person" means an individual, firm, partnership, association, corporation, company, group of  
 2 individuals acting together for a common purpose, or organization of any kind, including a governmental agency  
 3 other than the United States.

4           ~~(12)~~(13) "Volunteer emergency ~~medical technician~~ care provider" means an individual who is licensed  
 5 by the board pursuant to Title 50, chapter 6, part 2 [sections 1 through 5], and provides emergency medical care:

6           (a) on the days and at the times of the day chosen by the individual; and

7           (b) for an emergency medical service other than:

8           (i) a private ambulance company, unless the care is provided without compensation and outside of the  
 9 individual's regular work schedule; or

10           (ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a regular  
 11 basis with a regular, hourly wage to provide emergency medical care as part of the individual's job duties."

12

13           **Section 20.** Section 50-6-322, MCA, is amended to read:

14           **"50-6-322. Staffing -- nonemergency ambulance transports -- transports in rural areas.** An  
 15 emergency medical service that is staffed primarily by volunteer emergency ~~medical technicians~~ care providers  
 16 may staff an ambulance with one emergency ~~medical technician~~ care provider licensed pursuant to [sections 1  
 17 through 5] at an emergency medical ~~technician-basis~~ technician level or higher and one driver trained in the  
 18 operation of emergency vehicles for the following types of responses:

19           (1) nonemergency ambulance transports;

20           (2) emergency medical service provided by an ambulance company located in a county with a population  
 21 of fewer than 20,000 residents; and

22           (3) emergency medical service provided by an ambulance company located in a county with a population  
 23 of 20,000 residents or more if the ambulance company is transporting a patient from a community within that  
 24 county that has a population of 1,500 residents or less to the nearest health care facility that is able to meet the  
 25 patient's medical needs."

26

27           **Section 21.** Section 50-6-323, MCA, is amended to read:

28           **"50-6-323. Powers and duties of department.** (1) The department has general authority to supervise  
 29 and regulate emergency medical services in Montana.

30           (2) Upon referral by a screening panel pursuant to 50-6-105, the department shall review and may

1 investigate complaints relating to the operation of any emergency medical service.

2 (3) In investigating a complaint, the department may review:

3 (a) the type and condition of equipment and procedures used by an emergency medical service to  
4 provide care at the scene or during prehospital or interfacility transportation;

5 (b) the condition of any vehicle or aircraft used as an ambulance;

6 (c) general performance by an emergency medical service; and

7 (d) the results of any investigation conducted by the board concerning patient care by an emergency  
8 ~~medical technician~~ care provider who was, at the time of the complaint, providing care through the emergency  
9 medical service that is the subject of a complaint under investigation by the department.

10 (4) Upon completion of an investigation as provided in subsection (3), the department shall take  
11 appropriate action, including sharing information regarding complaints with the board as provided in 50-6-105 and  
12 initiating any necessary legal proceedings as authorized under this part.

13 (5) In order to carry out the provisions of this part, the department shall prescribe and enforce rules for  
14 emergency medical services. Rules of the department may include but are not limited to the following:

15 (a) the classification and identification of specific types and levels of prehospital and interfacility medical  
16 transportation or treatment services;

17 (b) procedures for issuing, denying, renewing, and canceling licenses;

18 (c) minimum licensing standards for each type and level of service, including requirements for personnel,  
19 offline medical direction, online medical direction, maintenance, equipment, reporting, recordkeeping, sanitation,  
20 and minimum insurance coverage as determined appropriate by the department; and

21 (d) other requirements necessary and appropriate to ensure the quality, safety, and proper operation  
22 and administration of emergency medical services.

23 (6) A rule adopted pursuant to this section is not effective until:

24 (a) a public hearing has been held for review of the rule; and

25 (b) notice of the public hearing and a copy of the proposed rules have been sent to all persons licensed  
26 under 50-6-306 to conduct or operate an emergency medical service. Notice must be sent at least 30 days prior  
27 to the date of the public hearing."  
28

29 **Section 22.** Section 50-6-506, MCA, is amended to read:

30 **"50-6-506. Exemptions.** This part does not apply to the use of an AED by:

- 1 (1) a patient or the patient's caretaker if use of the AED is ordered by a physician; or  
2 (2) a licensed health care professional, including an emergency ~~medical technician~~ care provider as  
3 defined in 50-6-302, whose scope of practice includes the use of an AED."  
4

5 **Section 23.** Section 50-9-102, MCA, is amended to read:

6 **"50-9-102. Definitions.** As used in this chapter, the following definitions apply:

- 7 (1) "Advanced practice registered nurse" means an individual who is licensed under Title 37, chapter  
8 8, to practice professional nursing in this state and who has fulfilled the requirements of the board of nursing  
9 pursuant to 37-8-202 and 37-8-409.
- 10 (2) "Attending advanced practice registered nurse" means the advanced practice registered nurse who  
11 is selected by or assigned to the patient and who has primary responsibility for the treatment and care of the  
12 patient.
- 13 (3) "Attending physician" means the physician selected by or assigned to the patient, who has primary  
14 responsibility for the treatment and care of the patient.
- 15 (4) "Board" means the Montana state board of medical examiners.
- 16 (5) "Declaration" means a document executed in accordance with the requirements of 50-9-103.
- 17 (6) "Department" means the department of public health and human services provided for in 2-15-2201.
- 18 (7) "Emergency medical services personnel" means paid or volunteer firefighters, law enforcement  
19 officers, first responders, emergency ~~medical technicians~~ care providers as defined in [section 2], or other  
20 emergency services personnel acting within the ordinary course of their professions.
- 21 (8) "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws  
22 of this state to administer health care in the ordinary course of business or practice of a profession.
- 23 (9) "Life-sustaining treatment" means any medical procedure or intervention that, when administered to  
24 a qualified patient, serves only to prolong the dying process.
- 25 (10) "Living will protocol" means a locally developed, communitywide method or a standardized, statewide  
26 method developed by the department and approved by the board, of providing palliative care to and withholding  
27 life-sustaining treatment from a qualified patient under 50-9-202 by emergency medical service personnel.
- 28 (11) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint  
29 venture, government, governmental subdivision or agency, or any other legal or commercial entity.
- 30 (12) "Physician" means an individual licensed under Title 37, chapter 3, to practice medicine in this state.

1 (13) "Qualified patient" means a patient 18 years of age or older who has executed a declaration in  
2 accordance with this chapter and who has been determined by the attending physician or attending advanced  
3 practice registered nurse to be in a terminal condition.

4 (14) "Reliable documentation" means a standardized, statewide identification card or form or a necklace  
5 or bracelet of uniform design, adopted by a written, formal understanding of the local community emergency  
6 medical services agencies and licensed hospice and home health agencies, that signifies and certifies that a valid  
7 and current declaration is on file and that the individual is a qualified patient.

8 (15) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto  
9 Rico, or a territory or insular possession subject to the jurisdiction of the United States.

10 (16) "Terminal condition" means an incurable or irreversible condition that, without the administration of  
11 life-sustaining treatment, will, in the opinion of the attending physician or attending advanced practice registered  
12 nurse, result in death within a relatively short time."

13

14 **Section 24.** Section 50-16-701, MCA, is amended to read:

15 **"50-16-701. Definitions.** As used in this part, the following definitions apply:

16 (1) "Airborne infectious disease" means an infectious disease transmitted from person to person by an  
17 aerosol, including but not limited to infectious tuberculosis.

18 (2) "Department" means the department of public health and human services provided for in 2-15-2201.

19 (3) "Designated officer" means the emergency services organization's representative and the alternate  
20 whose names are on record with the department as the persons responsible for notifying an emergency services  
21 provider of exposure.

22 (4) "Emergency services organization" means a public or private organization that provides emergency  
23 services to the public.

24 (5) "Emergency services provider" means a person employed by or acting as a volunteer with an  
25 emergency services organization, including but not limited to a law enforcement officer, firefighter, emergency  
26 ~~medical technician, paramedic~~ care provider as defined in [section 2], corrections officer, or ambulance service  
27 attendant.

28 (6) "Exposure" means the subjecting of a person to a risk of transmission of an infectious disease  
29 through the commingling of the blood or bodily fluids of the person and a patient or in another manner as defined  
30 by department rule.

1 (7) "Health care facility" has the meaning provided in 50-5-101 and includes a public health center as  
2 defined in 7-34-2102.

3 (8) "Infectious disease" means human immunodeficiency virus infection, hepatitis B, hepatitis C, hepatitis  
4 D, communicable pulmonary tuberculosis, meningococcal meningitis, and any other disease capable of being  
5 transmitted through an exposure that has been designated by department rule.

6 (9) "Infectious disease control officer" means the person designated by the health care facility as the  
7 person who is responsible for notifying the emergency services provider's designated officer and the department  
8 of an infectious disease as provided for in this part and by rule.

9 (10) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless."  
10

11 **Section 25.** Section 61-2-502, MCA, is amended to read:

12 **"61-2-502. Definitions.** As used in this part, the following definitions apply:

13 (1) "Aircraft" has the meaning provided in 67-1-101. The term includes any fixed-wing airplane or  
14 helicopter.

15 (2) (a) "Ambulance" means a privately or publicly owned motor vehicle or aircraft that is maintained and  
16 used for the transportation of patients.

17 (b) The term does not include:

18 (i) a motor vehicle or aircraft owned by or operated under the direct control of the United States; or

19 (ii) air transportation services, such as charter or fixed-based operators, that are regulated by the federal  
20 aviation administration and that offer no special medical services or provide only transportation to patients or  
21 persons at the direction or under the supervision of an independent physician.

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

23 (4) "Department" means the department of transportation provided for in 2-15-2501.

24 (5) "Emergency medical service" means a prehospital or interhospital emergency medical transportation  
25 or treatment service provided by an ambulance or nontransporting medical unit.

26 (6) "Emergency ~~medical technician care provider~~" means a person who has been specially trained in  
27 emergency care in a training program approved by the board and licensed by the board ~~as having demonstrated~~  
28 ~~a level of competence suitable to treat victims of injury or other emergent condition~~ pursuant to [sections 1  
29 through 5].

30 (7) (a) "Emergency response vehicle" means a vehicle used for the dedicated purpose of responding

1 to emergency medical calls.

2 (b) The term does not include a vehicle used for an individual's personal purposes.

3 (8) "Nontransporting medical unit" means an aggregate of persons who are organized to respond to a  
4 call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting  
5 medical units provide any one of varying types and levels of service defined by department of public health and  
6 human services rule but may not transport patients.

7 (9) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or  
8 helpless.

9 (b) The term does not include an individual who is nonambulatory and who needs transportation  
10 assistance solely because that individual is confined to a wheelchair as the individual's usual means of mobility.

11 (10) "Person" means an individual, firm, partnership, association, corporation, company, group of  
12 individuals acting together for a common purpose, or organization of any kind, including a governmental agency  
13 other than the United States.

14 (11) "Volunteer emergency ~~medical technician~~ care provider" means an individual who is licensed  
15 pursuant to ~~Title 50, chapter 6, part 2, [sections 1 through 5]~~ and provides emergency medical care:

16 (a) on the days and the times of the day chosen by the individual; and

17 (b) for an emergency medical service other than:

18 (i) a private ambulance company, unless the care is provided without compensation and outside of the  
19 individual's regular work schedule; or

20 (ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a regular  
21 basis with a regular, hourly wage to provide emergency medical care as part of the individual's job duties."

22

23 **Section 26.** Section 61-2-503, MCA, is amended to read:

24 **"61-2-503. Emergency medical services grant program -- eligibility -- matching funds.** (1) The  
25 department shall provide competitive grants to emergency medical service providers for acquiring or leasing  
26 ambulances or emergency response vehicles or for purchasing equipment, other than routine medical supplies,  
27 for any of the following purposes:

28 (a) training;

29 (b) communications; or

30 (c) providing medical care to a patient.



1 (2) A licensed emergency medical service may apply for a grant if:  
 2 (a) it has been in operation at least 12 months;  
 3 (b) it bills for services at a level that is at least equivalent to the medicare billing level; and  
 4 (c) a majority of its active emergency ~~medical technicians~~ care providers, as defined in [section 2], are  
 5 volunteer emergency ~~medical technicians~~ care providers.

6 (3) An emergency medical service is ineligible for grant funding if it is either a private business or a public  
 7 agency, as defined in 7-1-4121, and employs the majority of its emergency ~~medical technicians~~ care providers  
 8 on a regular basis with a regular, hourly wage.

9 (4) An eligible emergency medical service applying for a grant under this section shall provide a 10%  
 10 match for any grant funds received.

11 (5) The department shall award grants on an annual basis using the criteria contained in 61-2-504.

12 (6) Up to 5% of the annual appropriation for the program may be distributed for emergency purposes  
 13 each year as provided in 61-2-507."  
 14

15 **Section 27.** Section 61-2-504, MCA, is amended to read:

16 **"61-2-504. Grant review criteria.** When evaluating grant applications, the department shall consider  
 17 the following factors:

18 (1) demonstrated need;  
 19 (2) size of the geographic area covered by the emergency medical service;  
 20 (3) distance from other emergency medical service providers in the geographic region;  
 21 (4) distance from the closest hospital;  
 22 (5) number of calls in the previous calendar year; and  
 23 (6) number of volunteer emergency ~~medical technicians~~ care providers, as defined in [section 2], on the  
 24 active call roster."  
 25

26 **NEW SECTION. Section 28. Repealer.** The following sections of the Montana Code Annotated are  
 27 repealed:

28 50-6-201. Legislative findings -- duty of board.  
 29 50-6-202. Definitions.  
 30 50-6-203. Rules.

1 50-6-207. Construction.

2

3 NEW SECTION. **Section 29. Codification instruction -- instructions to code commissioner.** (1)

4 [Sections 1 through 5] are intended to be codified as an integral part of Title 37, and the provisions of Title 37  
5 apply to [sections 1 through 5].

6 (2) The code commissioner is instructed to renumber 50-6-206 and codify it in the same part as [sections  
7 1 through 5].

8

9 NEW SECTION. **Section 30. Saving clause.** [This act] does not affect rights and duties that matured,  
10 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

11

- END -