

## 1 HOUSE BILL NO. 362

2 INTRODUCED BY E. HILL SMITH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PHYSICIANS APPLYING FOR LICENSURE UNDER  
5 THE INTERSTATE MEDICAL LICENSURE COMPACT TO SUBMIT FINGERPRINTS FOR A BACKGROUND  
6 CHECK; PROHIBITING DISSEMINATION OF CRIMINAL HISTORY INFORMATION ACROSS STATE LINES;  
7 AMENDING SECTION 37-3-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 37-3-305, MCA, is amended to read:

12 **"37-3-305. Qualifications for licensure.** (1) Except as provided in subsection (2), the board shall grant  
13 a physician's license to practice medicine in this state to an applicant who:

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

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

16 (c) has completed an approved residency program or, for an applicant who graduated from medical  
17 school prior to 2000, has had experience or training that the board has determined is at least the equivalent of  
18 an approved residency program;

19 (d) has passed all of the steps of the United States medical licensing examination, the federation of state  
20 medical boards' federation licensing examination, or an examination offered by any of the following entities:

21 (i) the national board of medical examiners or its successors;

22 (ii) the national board of osteopathic medical examiners or its successors;

23 (iii) the medical council of Canada or its successors if the applicant is a graduate of a Canadian medical  
24 school approved by the medical council of Canada or its successors; or

25 (iv) the educational commission for foreign medical graduates or its successors if the applicant is a  
26 graduate of a foreign medical school outside of the United States and Canada;

27 (e) has submitted a completed application with the required nonrefundable fee; and

28 (f) is able to communicate in the English language as determined by the board.

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

1 conduct or is otherwise unqualified.

2 (3) A physician applying for expedited licensure in another state as allowed under 37-3-356 shall submit  
3 fingerprints to the board to facilitate a fingerprint-based criminal record background check by the Montana  
4 department of justice and the federal bureau of investigation. The board may not disseminate criminal history  
5 record information resulting from the background check across state lines.

6 ~~(3)~~(4) The board may by rule impose additional requirements for licensure to protect the health and  
7 safety of the public or to enter into a mutual recognition licensing agreement with another state.

8 ~~(4)~~(5) The board may adopt rules that provide conditions for short-term nondisciplinary licenses."  
9

10 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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