

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A MEMBER OF A NONTRANSPORTING MEDICAL
5 UNIT TO PROVIDE COMMUNITY-INTEGRATED HEALTH CARE; CLARIFYING THAT AN EMERGENCY
6 CARE PROVIDER INCLUDES A MEMBER OF A NONTRANSPORTING MEDICAL UNIT; REVISING
7 DEFINITIONS; AND AMENDING SECTIONS 37-3-102, 50-6-202, 50-6-302, AND 61-2-502, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 37-3-102, MCA, is amended to read:

12 **"37-3-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions
13 apply:

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

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

16 (3) "Approved internship" means an internship training program of at least 1 year in a program that
17 either is approved for intern training by the AOA or conforms to the standards for intern training established by
18 the ACGME or successors. However, the board may, upon investigation, approve any other internship.

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

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

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

25 (7) "Community-integrated health care" means the provision of out-of-hospital medical services that
26 an emergency care provider with an endorsement may provide as determined by board rule.

27 (8) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part
28 17.

1 (9) "Emergency care provider" or "ECP" means a person licensed by the board, including but not
2 limited to an emergency medical responder, an emergency medical technician, an advanced emergency
3 medical technician, ~~or a paramedic,~~ or a member of a nontransporting medical unit as defined in 50-6-302(8).

4 An emergency care provider with an endorsement may provide community-integrated health care.

5 (10) "LCME" means the liaison committee on medical education.

6 (11) "Medical assistant" means an unlicensed allied health care worker who functions under the
7 supervision of a physician, physician assistant, or podiatrist in a physician's or podiatrist's office and who
8 performs administrative and clinical tasks.

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

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

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

22 (b) The term does not mean an audio-only telephone conversation, an e-mail or instant messaging
23 conversation, or a message sent by facsimile transmission."
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25 **Section 2.** Section 50-6-202, MCA, is amended to read:

26 **"50-6-202. Definitions.** As used in this part, the following definitions apply:

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

28 (2) "Emergency care provider" means a person licensed by the board, including but not limited to an

1 emergency medical responder, an emergency medical technician, an advanced emergency medical technician,
2 ~~or a paramedic, or a member of a nontransporting medical unit as defined in 50-6-302(8).~~ An emergency care
3 provider with an endorsement may provide community-integrated health care.

4 (3) "Volunteer emergency care provider" means an individual who is licensed pursuant to this part and
5 provides out-of-hospital, emergency medical, or community-integrated health care or interfacility transport:

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
11 regular basis with a regular, hourly wage to provide emergency medical or community-integrated health care as
12 part of the individual's job duties."
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14 **Section 3.** Section 50-6-302, MCA, is amended to read:

15 **"50-6-302. Definitions.** As used in this part, unless the context requires otherwise, the following
16 definitions apply:

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

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

21 (b) The term does not include:

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

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

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

27 (4) "Community-integrated health care" means the provision of out-of-hospital medical services that
28 an emergency care provider with an endorsement may provide as determined by board rule.

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

3 (6) "Emergency medical service" means an out-of-hospital health care treatment service or interfacility
4 emergency medical transportation provided by an ambulance or nontransporting medical unit that is licensed by
5 the department to provide out-of-hospital health care treatment services or interfacility emergency medical
6 transportation, including community-integrated health care.

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

12 (8) "Nontransporting medical unit" means an aggregate of persons who are organized to respond to a
13 call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting
14 medical units provide any one of varying types and levels of service defined by department rule, including
15 community-integrated health care, but may not transport patients.

16 (9) "Offline medical direction" means the function of a board-licensed physician or physician assistant
17 in providing:

18 (a) medical oversight and supervision for an emergency medical service or an emergency care
19 provider; and

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

21 (10) "Online medical direction" means the function of a board-licensed physician or physician assistant
22 or the function of a designee of the physician or physician assistant in providing direction, advice, or orders to
23 an emergency care provider for interfacility emergency medical transportation or out-of-hospital emergency
24 medical or community-integrated health care as identified in a plan for offline medical direction.

25 (11) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or
26 helpless.

27 (b) Unless otherwise defined by rule for community-integrated health care, the term does not include
28 an individual who is nonambulatory and who needs transportation assistance solely because that individual is

1 confined to a wheelchair as the individual's usual means of mobility.

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

5 (13) "Volunteer emergency care provider" means an individual who is licensed pursuant to Title 50,
6 chapter 6, part 2, and provides out-of-hospital, emergency medical, or community-integrated health care or
7 interfacility emergency medical transportation:

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

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

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

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

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16 **Section 4.** Section 61-2-502, MCA, is amended to read:

17 **"61-2-502. Definitions.** As used in this part, the following definitions apply:

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

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

22 (b) The term does not include:

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

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

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

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

1 (5) "Emergency care provider" means a person licensed by the board, including but not limited to an
2 emergency medical responder, an emergency medical technician, an advanced emergency medical technician,
3 ~~or a paramedic,~~ or a member of a nontransporting medical unit as defined in 50-6-302(8). An emergency care
4 provider with an endorsement may provide community-integrated health care.

5 (6) "Emergency medical service" means an out-of-hospital treatment service or interfacility emergency
6 medical transportation provided by an ambulance or nontransporting medical unit.

7 (7) (a) "Emergency response vehicle" means a vehicle used for the dedicated purpose of responding
8 to emergency medical calls.

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

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

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

16 (b) Unless otherwise defined by rule for community-integrated health care, the term does not include
17 an individual who is nonambulatory and who needs transportation assistance solely because that individual is
18 confined to a wheelchair as the individual's usual means of mobility.

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

22 (11) "Volunteer emergency care provider" means an individual who is licensed pursuant to Title 50,
23 chapter 6, part 2, and provides out-of-hospital, emergency medical, or community-integrated health care or
24 interfacility transport:

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

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

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

