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HOUSE BILL NO. 87

INTRODUCED BY B. MERCER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO LICENSING BOARDS; ESTABLISHING STANDARDS FOR APPOINTMENTS, QUALIFICATIONS, AND TERMS FOR LICENSING BOARDS; PROVIDING FOR STANDARDIZED LICENSING BOARD ORGANIZATION AND COMPENSATION; REVISING REQUIREMENTS TO REVIEW REQUESTS TO CREATE A NEW LICENSING BOARD; ADDING LICENSING PROGRAMS TO THE REVIEW REQUIRED FOR NEW LICENSING BOARDS; AMENDING SECTIONS 2-8-401, 2-8-402, 2-15-1730, 2-15-1731, 2-15-1732, 2-15-1733, 2-15-1734, 2-15-1735, 2-15-1736, 2-15-1737, 2-15-1738, 2-15-1739, 2-15-1740, 2-15-1741, 2-15-1742, 2-15-1743, 2-15-1744, 2-15-1747, 2-15-1748, 2-15-1749, 2-15-1750, 2-15-1751, 2-15-1753, 2-15-1756, 2-15-1757, 2-15-1758, 2-15-1761, 2-15-1763, 2-15-1764, 2-15-1765, 2-15-1771, 2-15-1773, 2-15-1781, AND 2-15-1782, MCA; REPEALING SECTION 2-8-403, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Appointment -- qualifications -- terms. (1) The governor shall appoint the members of a board designated under 2-15-1730 through 2-15-1782 in accordance with this section and with the consent of the senate.

(2) The governor shall have the authority to remove members of the board with or without cause. A board member who misses three meetings over a period of 1 year without good cause must be removed from the board automatically.

(3) Each board must be composed of professional and public members.

(4) Each professional member of a board must, while serving as a board member:

(a) be a resident of this state and at least 18 years of age; and

(b) be currently practicing in the profession or occupation and have an active license in this state in good standing for the profession or occupation in which the member is appointed to serve. For the purposes of

- 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 care provider, as defined in 50-6-202, who may be~~
- 4 ~~a volunteer emergency care provider; and~~
- 5 (h) ~~two public 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 care provider must have a demonstrated interest in and knowledge of~~
- 8 ~~state and national issues involving emergency medical service and community integrated health care.~~
- 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)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
- 17 ~~15-121."~~

Section 7. Section 2-15-1732, MCA, is amended to read:

"2-15-1732. Board of dentistry. (1) ~~There~~ In accordance with [section 1], there is a board of dentistry.

(2) ~~The board consists of five dentists, one denturist, two dental hygienists, and two public members, one of whom must be a senior citizen. All members are appointed by the governor with the consent of the senate. Each licensed member must be licensed to practice as a dentist, denturist, or dental hygienist in this state, must have actively practiced in this state for at least 5 continuous years immediately before the member's appointment, and must be actively engaged in practice while serving on the board. Each member must be a resident of this state. eight members:~~

(a) four ~~three~~ dentists;

1 (b) one dentist;

2 (c) ~~two-three~~ dental hygienists; and

3 (d) one public member.

4 ~~(3) Each member shall serve for a term of 5 years. The governor may remove a member only for~~
5 ~~neglect or cause.~~

6 ~~(4) The governor shall fill any vacancy within 30 days.~~

7 ~~(5)(3) The board is allocated to the department for administrative purposes only as prescribed in 2-~~
8 ~~15-121."~~

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10 **Section 8.** Section 2-15-1733, MCA, is amended to read:

11 **"2-15-1733. Board of pharmacy.** (1) ~~There~~ In accordance with [section 1], there is a board of
12 pharmacy.

13 (2) The board consists of ~~seven members appointed by the governor with the consent of the~~
14 ~~senate. Four members must be licensed pharmacists, one member must be a registered pharmacy technician,~~
15 ~~and two members must be from the general public.~~ five members:

16 (a) ~~Each licensed pharmacist member must have graduated and received the first professional~~
17 ~~undergraduate degree from the school of pharmacy of the university of Montana-Missoula or from an accredited~~
18 ~~pharmacy degree program that has been approved by the board. Each licensed pharmacist member must have~~
19 ~~at least 5 consecutive years of practical experience as a pharmacist immediately before appointment to the~~
20 ~~board. A licensed pharmacist member who, during the member's term of office, ceases to be actively engaged~~
21 ~~in the practice of pharmacy in this state must be automatically disqualified from membership on the board.~~ three
22 pharmacists;

23 (b) A registered one pharmacy technician member must have at least 5 consecutive years of
24 practical experience as a pharmacy technician immediately before appointment to the board. A registered
25 pharmacy technician member who, during the member's term of office, ceases to be actively engaged as a
26 pharmacy technician in this state must be automatically disqualified from membership on the board. ; and

27 (c) Each one public member of the board must be a resident of the state and may not be or ever
28 have been.;