

1 HOUSE BILL NO. 313

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9

10 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR INDEPENDENT PRACTICE OF PHYSICIAN

11 ASSISTANTS; CLARIFYING COVERAGE OF PHYSICIAN ASSISTANTS UNDER HEALTHY MONTANA

12 KIDS, HEALTH MAINTENANCE ORGANIZATIONS, AND MULTIPLE WELFARE EMPLOYER

13 ARRANGEMENTS; AMENDING SECTIONS 33-22-114, 33-31-111, 33-35-306, ~~37-20-101~~, 37-20-104, ~~37-20-~~

14 ~~203~~, 37-20-301, 37-20-401, 37-20-403, 37-20-404, 37-20-405, 37-20-410, 37-20-411, 50-5-1301, 50-12-102,

15 50-19-403, 50-20-109, AND 53-4-1005, MCA; ~~REPEALING SECTION 37-20-101, MCA~~; AND PROVIDING AN

16 IMMEDIATE EFFECTIVE DATE."

17

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

19

20 **Section 1.** Section 33-22-114, MCA, is amended to read:

21 **"33-22-114. Coverage required for services provided by physician assistants, advanced**

22 **practice registered nurses, and registered nurse first assistants.** An insurer, a health service corporation,

23 or any employee health and welfare fund that provides accident or health insurance benefits to residents of this

24 state shall provide, in group and individual insurance contracts, coverage as well as payment or reimbursement

25 for health services provided by:

26 (1) a physician assistant as normally covered by contracts for services supplied by a physician if

27 health care services that the physician assistant ~~is approved to perform~~ performs are covered by the contract;

28 (2) an advanced practice registered nurse, defined in 37-8-102, as normally covered by contracts

1 (2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded
2 multiple employer welfare arrangement that has been issued a certificate of authority that has not been
3 revoked."
4

5 **Section 4.** Section 37-20-101, MCA, is amended to read:

6 ~~"37-20-101. Qualifications of supervising physician and physician assistant. (1) The supervising
7 physician named in the supervision agreement required by 37-20-301 shall:~~

8 ~~(a) possess a current, active license to practice medicine in this state; and~~

9 ~~(b) exercise supervision over the physician assistant in accordance with the rules adopted by the
10 board and retain professional and legal responsibility for the care and treatment of patients by the physician
11 assistant.~~

12 ~~(2) A physician assistant named in the supervision agreement required by 37-20-301 must have a
13 current, active Montana physician assistant license."~~

14
15 **Section 4.** Section 37-20-104, MCA, is amended to read:

16 **"37-20-104. Unlicensed practice -- penalties.** (1) A person who employs a physician assistant or
17 holds out to the public that the person is a physician assistant without having been issued a Montana physician
18 assistant license is guilty of a misdemeanor and is punishable as provided in 46-18-212.

19 (2) Prior to being issued a license and submitting a supervision agreement to the board, a
20 physician assistant may not practice as a physician assistant in this state, even under the supervision of a
21 licensed physician.

22 (3) The board may enforce the provisions of this section by the remedy of injunction and the
23 application of other penalties as provided by law."
24

25 **Section 5.** Section 37-20-203, MCA, is amended to read:

26 **"37-20-203. Licensing of physician assistants.** (1) The board may issue either an active or inactive
27 license to a physician assistant applying for a license or license renewal in Montana.

28 (2) A physician assistant with fewer than 8,000 hours of postgraduate clinical experience shall

1 practice medicine with a collaborative agreement between the physician assistant and one or more
2 collaborating providers, who may be:
3 (a) a licensed physician; or
4 (b) a licensed physician assistant with 8,000 or more hours of postgraduate clinical experience.
5 (3) "Collaborative agreement" as used in this section means the interaction and relationship that a
6 physician assistant has with a collaborating provider as described in subsection (2), in which:
7 (a) the physician assistant and collaborating provider are cognizant of the physician assistant's
8 qualifications and limitations in caring for patients:
9 (b) the physician assistant consults with the collaborating provider while remaining responsible for
10 care provided by the physician assistant; and
11 (c) the collaborating provider gives direction and guidance to the physician assistant.
12 (4) A physician assistant with a collaborative agreement under subsection (2) shall:
13 (a) practice under written policies and procedures established at a practice level that:
14 (i) describe how collaboration will occur in accordance with subsection (2); and
15 (ii) describe methods for evaluating the physician assistant's competency, knowledge, and skills;
16 and
17 (b) provide a copy of the written policies and procedures and documentation of compliance under
18 this subsection (4) to the board upon the board's request.
19 (5) A licensed physician assistant actively practicing for 8,000 hours prior to October 1, 2023, is
20 exempt from the collaborative agreement requirement."

21
22 **Section 6.** Section 37-20-301, MCA, is amended to read:

23 **"37-20-301. Requirements for use of physician assistant practice--supervision agreement--**
24 **duties and delegation agreement--content--approval--filing.** (1) A physician, office, firm, state institution,
25 or professional service corporation may not employ or make use of the services of a physician assistant in the
26 practice of medicine, as defined in 37-3-102, and as provided in this chapter and a physician assistant may not
27 be employed or practice as a physician assistant unless the physician assistant:

28 (a) ~~is supervised by a physician licensed in this state;~~

1 (b)(1) is licensed by the board; ~~and~~

2 (c) ~~has submitted a physician assistant supervision agreement to the board on a form prescribed by~~
3 ~~the department; and~~

4 (d)(2) has paid to the board the applicable fees required by the board; and

5 (3) engages in practice for which the physician assistant is educationally prepared and for which
6 the physician assistant has achieved and maintained competency.

7 (2) ~~A supervising physician and the supervised physician assistant shall execute a duties and~~
8 ~~delegation agreement constituting a contract that defines the physician assistant's professional relationship with~~
9 ~~the supervising physician and the limitations on the physician assistant's practice under the supervision of the~~
10 ~~supervising physician. The agreement must be kept current, by amendment or substitution, to reflect changes~~
11 ~~in the duties of each party occurring over time. The board may by rule specify other requirements for the~~
12 ~~agreement. A physician assistant licensed by the board before October 1, 2005, shall execute a duties and~~
13 ~~delegation agreement with a supervising physician by October 1, 2006.~~

14 (3) ~~A physician assistant and the physician assistant's supervising physician shall keep the~~
15 ~~supervision agreement and the duties and delegation agreement at their place of work and provide a copy upon~~
16 ~~request to a health care provider, a health care facility, a state or federal agency, the board, and any other~~
17 ~~individual who requests one."~~

18

19 **Section 7.** Section 37-20-401, MCA, is amended to read:

20 **"37-20-401. Definitions.** As used in this chapter, the following definitions apply:

21 (1) "Board" means the Montana state board of medical examiners established in 2-15-1731.

22 (2) ~~"Duties and delegation agreement" means a written contract between the supervising physician~~
23 ~~and the physician assistant that meets the requirements of 37-20-301.~~

24 (3)(2) "Physician assistant" means ~~a member of a health care team, licensed by the board, an~~
25 individual licensed pursuant to this chapter who provides medical services that may include but are not limited
26 to examination, diagnosis, prescription of medications, and treatment ~~under the supervision of a physician~~
27 ~~licensed by the board.~~

28 (4) ~~"Supervising physician" means a medical doctor or doctor of osteopathy licensed by the board~~

1 (g) dental services;

2 (h) prescription drugs;

3 (i) mental health and substance abuse treatment services;

4 (j) habilitative services as defined in 53-4-1103;

5 (k) hearing and vision exams; and

6 (l) eyeglasses.

7 (2) The program must comply with the provisions of 33-22-153.

8 (3) The department shall adopt rules, pursuant to its authority under 53-4-1009, allowing it to cover
9 significant dental needs beyond those covered in the basic plan. Expenditures under this subsection may not
10 exceed \$100,000 in state funds, plus any matched federal funds, each fiscal year.

11 (4) The department is specifically prohibited from providing payment for birth control
12 contraceptives under this program.

13 (5) The department shall notify enrollees of any restrictions on access to health care providers, of
14 any restrictions on the availability of services by out-of-state providers, and of the methodology for an out-of-
15 state provider to be an eligible provider. (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999;
16 sec. 3, Ch. 169, L. 2007; sec. 10, Ch. 97, L. 2013; sec. 5, Ch. 399, L. 2017.)"

17

18 **NEW SECTION. Section 18. Repealer.** The following section of the Montana Code Annotated is
19 repealed:

20 37-20-101. Qualifications of supervising physician and physician assistant.

21

22 **NEW SECTION. Section 19. Effective date.** [This act] is effective on passage and approval.

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