



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

HB0858 - Provide for the Montana Volunteer Health Care Services Act (Hamilton, Jim)

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: HB 858 has no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:**Department of Labor and Industry**

1. HB 858 would allow health care providers licensed in any state and retired health care providers to engage in voluntary provision of health care services in Montana. The legislation will not require additional licenses or certifications and does not have a fiscal impact to the Department of Labor & Industry, Professional Licensing Bureau.

Department of Public Health and Human Services

2. HB 858 will have no fiscal impact to the department and the requirements in Section 4 would be de minimis and could be covered by the current budget of the department.

Technical Notes:**Department of Labor and Industry**

1. The bill in Section 2 refers to a "surgeon" license type. This is not a license type in the State of Montana.
2. Section 7 codifies the bill within the chapter of the Board of Medical Examiners. However, the bill provides for practice for several occupations outside the jurisdiction of that board, such as nurses, dentists, optometrists,

and dental hygienists. The bill does not specify what, if any, supervisory authority the board might have with regard to practice under the bill and does not grant the board or the department rulemaking authority with regard to such practice.

3. The bill causes ambiguity and may cause conflict with the Montana Health Corps Act at Title 37, Chapter 3, Part 8, and dental volunteer statutes at 37-4-340, MCA.

4. Work performed pursuant to Section 3(1)(b) by an individual who does not have an active license to practice is not clearly subject to the jurisdiction of a licensing board or the department.

Department of Public Health and Human Services

5. Section 7 of HB 858 codifies section 1 through 6 under Title 37, Chapter 3. Under 37-3-102, MCA subsection 8 defines “department” as the Department of Labor and Industry. Section 4 of HB 858 directs “sponsoring organizations” to “register with the department of public health and human services,” but then uses the term “department.” In context, such references to “department” in section 4 seem to be a reference to DPHHS, but is unclear because of the definition that would apply given the codification instructions.

6. The department licenses certain health care and other facilities, and may register certain types of facilities such as certain types of childcare facilities, but normally doesn’t license individuals. However, because of the breadth of the definition of “sponsoring organization,” DPHHS cannot estimate the number of organizations that would register as a sponsoring organization. The number may be smaller than anticipated because HB 858 does not provide sponsoring organizations with immunity from liability for the actions of the licensed health care providers which it sponsors.

7. HB 858 does not indicate the length of time for which a sponsoring organization’s registration is intended to last, whether registrations would need to be renewed, or whether or how a sponsoring organization would be able to terminate its registration.

8. HB 858 does not give guidance on how to handle the registration fee.

9. There is a federal program under which health care professionals who are sponsored by a “free clinic”, that meets a federal statutory definition and submits an application with respect to such professionals to the U.S. Department of Health and Human Services which is approved, are deemed to be employees of the U.S. Public Health Service, 42 U.S.C. § 233(o), which makes the Federal Tort Claims Act applicable with respect to tort claims arising out of the free health care services they provide through the free clinic. Distinguishing between the federal free clinic program and the program established under HB 858 may be important.



Sponsor’s Initials

3/27/23

Date



Budget Director’s Initials

3-27-23

Date