

MEDICAL ASSISTANCE HELP FOR LICENSING BOARDS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary:

Montana law currently authorizes certain licensing boards to assist health care professionals with mental, physical, or addiction-related conditions that, if uncontrolled or untreated, may impair their ability to practice their professions with reasonable skill and safety. Professional assistance programs provide health care professionals with impairment-related conditions options by which to retain their licenses during evaluation, diagnosis, treatment and aftercare if their impairment is treated and they comply with monitoring requirements. The programs report to the licensing boards objective criteria by which a board may determine whether a licensee can safely practice while undergoing evaluation, treatment, and after-care monitoring. Licensees may confidentially self-refer to the assistance programs or may be ordered to enroll by the board with jurisdiction over their license. Generally, the assistance programs refer participants to an approved treatment program for evaluation, diagnosis, and treatment. As a condition of continued licensure, the programs subsequently monitor and report to the boards the licensees' compliance with treatment after-care for a specified time.

As of 2020 four licensing boards are statutorily authorized to provide their licensees with a medical assistance program: the Board of Medical Examiners (37-3-203(2), MCA), the Board of Dentistry (37-4-311, MCA), the Board of Nursing (37-8-202(1), MCA), and the Board of Pharmacy (37-7-201(2), MCA). This report is in recognition that other boards may request similar permissions or that changes may be made in the existing laws.

Legislative Services Division Materials:

In the 2009-2010 interim the Economic Affairs Interim Committee proposed HB 25 as a committee bill after studying the topic in a subcommittee. See the subcommittee [website](#). The website includes a [memo](#) reviewing medical assistance programs and a legal memo noting that statutory authorization is needed to have a medical assistance program.

Other Materials:

Florida impairment program website: <http://www.flhealthsource.gov/board-members-impairment-programs>

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2019 (None introduced)

2017 (None introduced)

2015 (None introduced)

2013 (None introduced)

2011

HB 25 – (Chapter Number Assigned) – "EXPANDING AND REVISING LAWS RELATED TO CERTAIN LICENSING BOARDS' MEDICAL ASSISTANCE PROGRAMS; REQUIRING PERIODIC AUDITS OF THE PROGRAMS; APPLYING CONFIDENTIALITY PROVISIONS TO THE PROGRAMS; REQUIRING BOARD ACTION ON CERTAIN PROGRAM VIOLATIONS; REQUIRING MEDICAL ASSISTANCE PROGRAMS FOR THE BOARD OF MEDICAL EXAMINERS AND THE BOARD OF PHARMACY; AMENDING SECTIONS 37-1-131, 37-3-203, 37-3-401, 37-4-311, 37-7-201, AND 37-8-202, MCA; AND REPEALING SECTION 37-3-208, MCA."

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