

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
OF THE STATE OF MONTANA

In the matter of the multidisciplinary)
health care provider task force review)
of statutes and recommendations)
involving physicians, physician)
assistants, and advanced practice)
registered nurses)

TRANSCRIPT OF THE PUBLIC HEARING

On April 15, 2022, beginning at 10:00 a.m., a
public hearing noticed by the HB 495 Multidisciplinary Task
Force, the Boards of Medical Examiners and Nursing, the
Department of Health and Human Services and the Commissioner
of Securities and Insurance was heard at 301 South Park
Avenue, Fourth Floor, Helena, Montana, via Zoom before
Melissa Poortenga, Presiding Officer.

I N D E X

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1 The following proceedings were had:

2 **MS. POORTENGA:** Today is April 15, 2022 and this is the
3 time and place set for the public hearing on the
4 recommendations proposed by the HB 495 multidisciplinary health
5 care provider task force review of statutes involving
6 physicians, physician assistants, and advanced practice
7 registered nurses.

8 As stated in paragraph 6 of the notice, department staff
9 is conducting this hearing by teleconferencing means. No in-
10 person public attendance is permitted, but public comment may
11 be provided through the remote conferencing platform described
12 in paragraph 6.

13 My name is Missy Poortenga and I am the Presiding Officer
14 for this hearing.

15 The Notice of Public Comment on the proposed
16 recommendations was issued by Laurie Esau, Commissioner of the
17 Department of Labor and Industry, and published on March 11,
18 2022 in the Montana Administrative Register pursuant to MAR
19 Notice No. 24-101-313. As shown in paragraph 5 of the Notice,
20 the purpose of this hearing is to consider the proposed
21 amendments of the statutes reviewed by the task force and offer
22 comment to the task force prior to their final recommendation
23 to the Children, Families, Health and Human Services Interim
24 Committee.

1 Paragraph (7) indicates that concerned persons may present
2 their data, views or arguments at this hearing. Written data,
3 views or arguments may be submitted to the HB 495 Task Force,
4 *Department of Labor and Industry, P.O. Box 200513, Helena,*
5 *Montana 59620-0513, by email to dlihb495@mt.gov* and must be
6 received by no later than 5:00 p.m., Friday, April 29, 2022.

7 Paragraph 8 of the Notice of Public Comment advises the
8 public that the Department will make reasonable accommodations
9 for persons with disabilities, so they can participate in the
10 comment process.

11 The purpose of this hearing today is to collect verbal
12 comments for and against the proposed statute amendment
13 recommendations and gather public input concerning the proposed
14 changes. If you want to recommend specific changes in
15 language, please submit them in writing, if possible. This
16 hearing is not a question and answer session. If you have
17 technical or procedural questions, staff will be available
18 following the hearing conclusion.

19 The presentation of public comment will be statements of
20 proponents, then opponents, and then anyone else wishing to be
21 heard. You may also submit your comments as described in
22 paragraph (7) of the notice.

23 Please identify yourself for the record at the beginning
24 of your comments, clearly stating your name and any entity you
25 may represent. Speak clearly and indicate when you are

1 finished with your comments. Once you are finished, either
2 disconnect from the hearing or mute your connection if you
3 intend to remain connected. Please do not interrupt other
4 speakers. If you wish to comment after your initial
5 opportunity, please direct your request to the hearing officer.
6 Are there questions regarding the procedure for providing
7 public comment? And if not, I know I said opponents and
8 proponents but it is a long list of statutes that the task
9 force has reviewed, so I think it might be a combination of
10 both if you're providing comments, so I guess, Jean or Webb, do
11 either of you have any comments that you want to share at this
12 time.

13 **Mr. Brown:** I don't, no.

14 **Ms. Branscum:** So, Jean on behalf of Montana Medical
15 Association, you know I think our comments are general at this
16 particular point, and just noting that in regards to the
17 statutes that were put out. We found them to be confusing as to
18 one why the task force put out a list of statutes, of which
19 some are labeled not within the scope of the task force and why
20 comments are being asked about items that were deemed to be not
21 within the scope of the task force, maybe within the scope that
22 maybe not within the scope. And then deemed to be within the
23 scope and knowing that, as you indicated by the task force and
24 noting that these were an extensive list. Obviously, this has
25 been an extensive list has been looked at several times by

1 stakeholders and found it to be confusing as to what should be
2 looked at and what not to be looked at as what what is actually
3 within the scope of this particular task force, we do offer
4 comments from the providers that we've been communicating with
5 which obviously is largely physicians but we've also gotten
6 other providers that have communicated back to us that overall
7 that the process has been detrimental to how practice is
8 handled and cares provided in the state of Montana, which is
9 truly team based and the process has been externally felt to be
10 divisive and how that's been handled, and all of us stand
11 strong that we feel strongly that in providing the best care
12 for Montana, that we should be working collaboratively in
13 providing expertise to provide the best care for the citizens
14 of Montana and that the reflection of the amendments put
15 forward in the processes put forward has again seemed to be in
16 terms of working in more of a divisive standard versus in terms
17 of understanding how truly care is delivered in terms of
18 working as a team and understanding how care is delivered in
19 the urban areas versus the rural areas in the state.

20 We also felt that the committee, while they made some
21 general changes that would have probably a little effect in
22 regards to how care is delivered, they also are just taking a
23 look at generalization of all areas of medicine and that the
24 scientific and medical knowledge is ever increasing, which has
25 resulted in specialized training with just within each area of

1 profession and that's not recognized by the task force. We feel
2 the composition of the task force itself did not follow along
3 the Statute that was put forward to have a multi disciplinary
4 healthcare Task Force and likely that's not recognized by the
5 task force because they aren't in the health care profession
6 themselves. We just within the physician ranks we recognize
7 that as again, many people are partners in health care, and we
8 have to be very careful when we look at individuals within the
9 healthcare ranks that are part of these health care teams that
10 we don't generalize all healthcare, for example, we would not
11 ask a radiologist to diagnose and treat a genetic disorder or a
12 geneticist to perform an interventional radiology procedure.

13 As was mentioned in one of the comments it's important in
14 a specialized area of care that the health care providers who
15 are qualified provide that care. So there are times that
16 specialized care will need to be managed by provider has a more
17 general background but that is when and that's where we support
18 that collaborative care model so we're providers consult with
19 other providers such as referrals phone consultation to give
20 Montanans the best care possible. Again it's far more
21 complicated than just looking at this in a very legal
22 framework, how we deliver care again in urban enrolled in
23 frontier areas of Montana, is far more complex. The need to
24 have a task force that is reflective of multi disciplinary
25 healthcare professions is necessary to really explore and

1 protect our patients and patient safety in exploration of any
2 changes in the statutory scheme in Montana, and the statutory
3 policies with that we will provide additional comment by the
4 end of the comment period.

5 **Ms. Poortenga:** Thank you. Is there anyone else wishing to
6 speak?

7 I remind you once again that all written data, views or
8 arguments must be submitted so that the Department receives
9 them no later than 5:00 p.m., Friday, April 29. As no one has
10 indicated they wish to provide further comment, I thank
11 everyone for participating and close this public comment
12 hearing.

13 However, as required by section 2-3-103, MCA, the task
14 force provides to the public an opportunity to comment on any
15 matter within their jurisdictions, other than regarding a
16 contested case, at any public hearing or meeting it conducts.
17 Comments made now are not part of the record for the comment
18 hearing that just concluded. The electronic record that is
19 still being made will serve as the official minutes of this
20 portion of this hearing. Is there anyone wishing to comment on
21 a matter within the jurisdiction of the HB 495 task force?

22 Please state your name clearly and follow the commenting
23 guidelines I provided earlier for the comment hearing.

24 Seeing no one wishes to speak at this time then I adjourn
25 this public comment portion. Thank you so much.

1 (The proceedings concluded at 10:09 a.m.)

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(Hearing transcribed by Melissa Poortenga)