

Amendment - 1st Reading/2nd House-blue - Requested by: Jodee Etchart - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

HB0686.001.001

HOUSE BILL NO. 686

INTRODUCED BY J. ETCHART

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PHYSICIAN ASSISTANTS; TRANSITIONING PHYSICIAN ASSISTANT LICENSING TO A DEPARTMENT OF LABOR AND INDUSTRY LICENSING PROGRAM; REMOVING PHYSICIAN ASSISTANT OVERSIGHT FROM THE BOARD OF MEDICAL EXAMINERS; AND AMENDING SECTIONS 2-15-1731, 37-1-401, 37-20-202, 37-20-203, 37-20-301, 37-20-302, ~~AND 37-20-401~~, ~~AND 50-6-302~~, MCA."

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

Section 1. Section 2-15-1731, MCA, is amended to read:

"2-15-1731. Board of medical examiners. (1) In accordance with 37-1-123, there is a Montana state board of medical examiners.

(2) The board consists of ~~12~~ 11 members:

(a) five doctors of medicine, including one with experience in emergency medicine, none of whom may be from the same county;

(b) one doctor of osteopathy;

(c) one podiatrist;

(d) one nutritionist;

~~(e) one physician assistant;~~

~~(f)~~(e) one emergency care provider, as defined in 50-6-202, who may be a volunteer emergency care provider; and

~~(g)~~(f) two public members.

(3) The board is allocated to the department as prescribed in 2-15-121."

Section 2. Section 37-1-401, MCA, is amended to read:

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"37-1-401. (Temporary) Uniform regulation for licensing programs without boards --

definitions. As used in this part, the following definitions apply:

(1) "Complaint" means a written allegation filed with the department that, if true, warrants an injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department, with respect to a complaint or other information before the department, that is carried out for the purpose of determining:

(a) whether a person has violated a provision of law justifying discipline against the person;

(b) the status of compliance with a stipulation or order of the department;

(c) whether a license should be granted, denied, or conditionally issued; or

(d) whether the department should seek an injunction.

(4) "License" means permission in the form of a license, permit, endorsement, certificate, recognition, or registration granted by the state of Montana to engage in a business activity or practice at a specific level in a profession or occupation governed by:

(a) Title 37, chapter 2, part 6;

(b) Title 37, chapter 16, 20, 40, 56, 60, 72, or 73; or

(c) Title 50, chapter 39, 74, or 76.

(5) "Profession" or "occupation" means a profession or occupation regulated by the department under the provisions of:

(a) Title 37, chapter 2, part 6;

(b) Title 37, chapter 16, 20, 40, 49, 56, 60, 72, or 73; or

(c) Title 50, chapter 39, 74, or 76. (Terminates June 30, 2031--sec. 10, Ch. 628, L. 2023.)

37-1-401. (Effective July 1, 2031) Uniform regulation for licensing programs without boards --

definitions. As used in this part, the following definitions apply:

(1) "Complaint" means a written allegation filed with the department that, if true, warrants an injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant.

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(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) "Investigation" means the inquiry, analysis, audit, or other pursuit of information by the department, with respect to a complaint or other information before the department, that is carried out for the purpose of determining:

(a) whether a person has violated a provision of law justifying discipline against the person;

(b) the status of compliance with a stipulation or order of the department;

(c) whether a license should be granted, denied, or conditionally issued; or

(d) whether the department should seek an injunction.

(4) "License" means permission in the form of a license, permit, endorsement, certificate, recognition, or registration granted by the state of Montana to engage in a business activity or practice at a specific level in a profession or occupation governed by:

(a) Title 37, chapter 16, 20, 40, 56, 60, 72, or 73; or

(b) Title 50, chapter 39, 74, or 76.

(5) "Profession" or "occupation" means a profession or occupation regulated by the department under the provisions of:

(a) Title 37, chapter 16, 20, 40, 49, 56, 60, 72, or 73; or

(b) Title 50, chapter 39, 74, or 76."

Section 3. Section 37-20-202, MCA, is amended to read:

"37-20-202. Adoption of rules. The ~~board~~ department may adopt administrative rules to implement the provisions of this chapter ~~and set forth grounds for disciplinary action.~~"

Section 4. Section 37-20-203, MCA, is amended to read:

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

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

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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~~ on the board's department'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 5.** Section 37-20-301, MCA, is amended to read:

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

27 (1) is licensed by the ~~board~~ department;

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(2) has paid to the ~~board~~department the applicable fees required by the ~~board~~department; and

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

Section 6. Section 37-20-302, MCA, is amended to read:

"37-20-302. Application for and renewal of license -- fees. (1) A person desiring to practice as a physician assistant shall ~~submit an application~~apply to the department on a form prescribed by the department and pay all applicable fees to the department. The applicant shall provide the authorization necessary for the release of records or other information necessary for licensure to the department. The burden of proving that the applicant has complied with all application requirements is on the applicant. However, the department may make an independent investigation to determine whether the applicant possesses the required qualifications and whether the applicant has ever committed unprofessional conduct.

(2) In order to renew a license, a physician assistant shall pay to the department a renewal fee as prescribed by the ~~board~~department. The renewal fee must be paid before the expiration date of the license, as set forth in department rule. The department shall send renewal notices before the renewal is due. Except as provided in 37-1-138, failure to pay a renewal fee results in the expiration of the license."

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

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

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

(1) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(2) "Physician assistant" means an individual licensed pursuant to this chapter who provides medical services that may include but are not limited to examination, diagnosis, prescription of medications, and treatment."

Section 8. Section 50-6-302, MCA, is amended to read:

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1 **"50-6-302. Definitions.** As used in this part, unless the context requires otherwise, the following
2 definitions apply:

3 (1) "Aircraft" has the meaning provided in 67-1-101. The term includes any fixed-wing airplane or
4 helicopter.

5 (2) (a) "Ambulance" means a privately or publicly owned motor vehicle or aircraft that is maintained
6 and used for the transportation of patients.

7 (b) The term does not include:

8 (i) a motor vehicle or aircraft owned by or operated under the direct control of the United States;
9 or

10 (ii) air transportation services, such as charter or fixed-based operators, that are regulated by the
11 federal aviation administration and that offer no special medical services or provide only transportation to
12 patients or persons at the direction or under the supervision of an independent physician.

13 (3) "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

14 (4) "Community-integrated health care" means the provision of out-of-hospital medical services
15 that an emergency care provider with an endorsement may provide as determined by board rule.

16 (5) "Department" means the department of public health and human services provided for in 2-15-
17 2201.

18 (6) "Emergency medical service" means an out-of-hospital health care treatment service or
19 interfacility emergency medical transportation provided by an ambulance or nontransporting medical unit that is
20 licensed by the department to provide out-of-hospital health care treatment services or interfacility emergency
21 medical transportation, including community-integrated health care.

22 (7) "Nonemergency ambulance transport" means the use of an ambulance to transport a patient
23 between health care facilities, as defined in 50-5-101, including federal facilities, when the patient's medical
24 condition requires special transportation considerations, supervision, or handling but does not indicate a need
25 for medical treatment during transit or for emergency medical treatment upon arrival at the receiving health care
26 facility.

27 (8) "Nontransporting medical unit" means an aggregate of persons who are organized to respond

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1 to a call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting
2 medical units provide any one of varying types and levels of service defined by department rule but may not
3 transport patients.

4 (9) "Offline medical direction" means the function of a ~~board~~-licensed physician or physician
5 assistant in providing:

6 (a) medical oversight and supervision for an emergency medical service or an emergency care
7 provider; and

8 (b) review of patient care techniques, emergency medical service procedures, and quality of care.

9 (10) "Online medical direction" means the function of a ~~board~~-licensed physician or physician
10 assistant or the function of a designee of the physician or physician assistant in providing direction, advice, or
11 orders to an emergency care provider for interfacility emergency medical transportation, out-of-hospital,
12 emergency medical, or community-integrated health care, or patient care within a health care facility as
13 identified in a plan for offline medical direction.

14 (11) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or
15 helpless.

16 (b) Unless otherwise defined by rule for community-integrated health care, the term does not
17 include an individual who is nonambulatory and who needs transportation assistance solely because that
18 individual is confined to a wheelchair as the individual's usual means of mobility.

19 (12) "Person" means an individual, firm, partnership, association, corporation, company, group of
20 individuals acting together for a common purpose, or organization of any kind, including a governmental agency
21 other than the United States.

22 (13) "Volunteer emergency care provider" means an individual who is licensed pursuant to Title 50,
23 chapter 6, part 2, and provides out-of-hospital, emergency medical, or community-integrated health care,
24 patient care within a health care facility, or interfacility emergency medical transportation:

25 (a) on the days and at the times of the day chosen by the individual; and

26 (b) for an emergency medical service other than:

27 (i) a private ambulance company, unless the care is provided without compensation and outside

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1 of the individual's regular work schedule; or

2 (ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a
3 regular basis with a regular, hourly wage to provide emergency medical or community-integrated health care as
4 part of the individual's job duties."

5
6 - END -