

1 HOUSE BILL NO. 152
2 INTRODUCED BY B. MERCER
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PROFESSIONAL AND
6 OCCUPATIONAL LICENSING BY THE DEPARTMENT OF LABOR AND INDUSTRY; REORGANIZING AND
7 CLARIFYING GENERALLY APPLICABLE PROVISIONS UNDER AN ADMINISTRATIVE CHAPTER AND
8 REMOVING REDUNDANT PROVISIONS; INCORPORATING DEPARTMENT LICENSING PROGRAMS INTO
9 THE ADMINISTRATIVE CHAPTER; CREATING A UNIFORM LICENSING APPLICATION PROCESS;
10 REVISING LICENSURE BY ENDORSEMENT AND CHANGING TERMINOLOGY; REDUCING TIMELINES
11 AND REVISING PROVISIONS TO ISSUE LICENSES; REVISING AND CREATING UNIFORM DUTY OF
12 LICENSEE AND LICENSE APPLICANT TO SELF-REPORT AND REPORT UNPROFESSIONAL CONDUCT
13 OF OTHERS; REVISING UNIFORM FINGERPRINTING PROCESS FOR CERTAIN APPLICANTS; REVISING
14 AND CREATING UNIFORM STANDARDS FOR MENTAL AND PHYSICAL EVALUATIONS; REVISING AND
15 CREATING UNIFORM DUTY TO PROVIDE CONTACT INFORMATION; PROVIDING NOTICE OF PRIMARY
16 METHOD OF COMMUNICATION; PROVIDING AUTHORITY TO CONSENT TO NOTICE BY ELECTRONIC
17 PROCESS; REVISING PROVISIONS FOR LICENSE RENEWAL, LAPSE, TERMINATION, AND
18 CONTINUING JURISDICTION; REVISING TEMPORARY LICENSURE TERMINOLOGY AND CREATING A
19 PROVISIONAL LICENSE AND LIMITED PRACTICE REGISTRATION; ESTABLISHING A MILITARY SPOUSE
20 TEMPORARY LICENSE; REVISING MILITARY PERSONNEL EXEMPTIONS; REVISING CONTINUING
21 EDUCATION REQUIREMENTS; REVISING DUTIES OF THE COMMISSIONER OF THE DEPARTMENT OF
22 LABOR AND INDUSTRY; REVISING DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY
23 RELATED TO FISCAL ADMINISTRATION OF BOARDS AND PROGRAMS, DETERMINING SUBSTANTIAL
24 EQUIVALENCY, AND INVESTIGATING COMPLAINTS; REVISING AND CLARIFYING PROVISIONS
25 RELATED TO DISCIPLINARY ACTIONS AND CONTESTED CASES; REVISING RESPONSIBILITIES AND
26 AUTHORITY OF BOARDS AND PROGRAMS; PROVIDING RULEMAKING AUTHORITY; AMENDING
27 SECTIONS 2-15-121, 2-15-1738, 2-15-1749, 20-4-502, 20-5-420, 20-9-327, 20-26-1511, 25-1-1101, 27-1-
28 1101, 27-12-206, 28-10-103, 32-9-104, 33-18-217, 33-22-111, 33-30-1013, 33-31-102, 37-1-104, 37-1-106, 37-

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4 37-73-227, MCA.”

5

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

7

8 **NEW SECTION. Section 1. Application -- licensing -- proof of licensure.** (1) To obtain a license or
9 an endorsement on a license to practice a profession or occupation or to operate a facility in which the practice
10 takes place, a person must apply on a form and pay a fee prescribed by the department. The applicant must
11 attest to and provide evidence satisfactory to the department that the applicant:

12 (a) (i) meets the education, experience, examination, and other qualifications for licensure set by
13 board or program statute or rule; or

14 (ii) is eligible for licensure by endorsement from licensure in another jurisdiction as provided in 37-
15 1-304; and

16 (b) is fit to practice the profession or occupation, as shown by an absence of unprofessional
17 conduct in the applicant’s history.

18 (2) Except as otherwise provided by law, an applicant must provide the applicant’s social security
19 number or taxpayer identification number.

20 (3) An applicant’s submission of a license application constitutes consent to release information as
21 may be necessary for the department to verify the information provided by the applicant.

22 (4) Except as provided by [section 11], on verification by the department that an applicant meets
23 the qualifications and fitness for licensure, the department shall issue the license, subject to the renewal and
24 termination provisions of 37-1-141.

25 (5) Unless otherwise provided by board or program rule, a licensee must

26 (a) continuously display the license in publicly accessible locations at any fixed location where the
27 licensee practices; or

28 (b) while engaged in a practice that occurs outside of any fixed location, carry a department-issued

1 (22) violating a federal, state, or local law or rule relating to the conduct of the profession or
2 occupation."

3

4 **Section 83.** Section 37-1-317, MCA, is amended to read:

5 **"37-1-317. Practice without license -- investigation of complaint -- injunction -- penalties. (1)**

6 The department shall investigate complaints or other information received concerning practice by an unlicensed
7 person of a profession or occupation for which a license is required by this title.

8 (2) (a) Unless otherwise provided by statute, a board may file an action to enjoin a person from
9 practicing, without a license, a profession or occupation for which a license is required by this title. In addition to
10 the penalty provided for in 37-1-318, a person violating an injunction issued pursuant to this section may be
11 held in contempt of court.

12 (b) A person subject to an injunction for practicing without a license may also be subject to criminal
13 prosecution. In a complaint for an injunction or in an affidavit, information, or indictment alleging that a person
14 has engaged in unlicensed practice, it is sufficient to charge that the person engaged in the unlicensed practice
15 of a licensed profession or occupation on a certain day in a certain county without averring further or more
16 particular facts concerning the violation.

17 (3) Unless otherwise provided by statute, a person practicing a licensed profession or occupation
18 in this state without complying with the licensing provisions of this title is guilty of a misdemeanor punishable by
19 a fine of not less than \$250 or more than \$1,000, imprisonment in the county jail for not less than 90 days or
20 more than 1 year, or both. Each violation of the provisions of this chapter constitutes a separate offense.

21 ~~(4) The department may issue a citation to and collect a fine, as provided in 37-68-316 and 37-69-~~
22 ~~310, from a person at a job site who is performing plumbing or electrical work and who fails to display a license~~
23 ~~or proof of licensure at the request of an employee of the department who bears responsibility for compliance~~
24 ~~with licensure requirements."~~

25

26 **Section 84.** Section 37-1-319, MCA, is amended to read:

27 **"37-1-319. Rules Rulemaking authority of boards and programs.** A board or the department on
28 behalf of a program may adopt rules:

1 (1) under the guidelines of 37-1-306, in accordance with [section 12], regarding continuing
2 education and establishing the number of hours required each year, the methods of obtaining education,
3 education topics, and carrying over hours to subsequent years;

4 ~~(2) regarding practice limitations for temporary practice permits issued under 37-1-305 and designed~~
5 ~~to ensure adequate supervision of the practice until all qualifications for licensure are met and a license is~~
6 ~~granted;~~

7 ~~(3)(2) regarding qualifications for inactive license status that may require compliance with stated~~
8 ~~continuing education requirements and may limit the number of years a person may remain have held a license~~
9 ~~on inactive or administratively suspended status without having to reestablish qualifications for licensure before~~
10 ~~requiring continuing education or other competency requirements necessary to reactivate the license;~~

11 ~~(4)(3) regarding maintenance and safeguarding of client funds or property possessed by a licensee~~
12 ~~and requiring the funds or property to be maintained separately from the licensee's funds and property; and~~

13 ~~(5)(4) defining acts of unprofessional conduct standards of professional and ethical conduct and~~
14 ~~standards of practice, in addition to those contained the conduct defined in 37-1-316, that constitute a threat to~~
15 ~~public health, safety, or welfare and that are inappropriate to the practice of the profession or occupation or the~~
16 ~~board or program chapter;~~

17 ~~(5) regarding examination or examinations required for licensure or reinstatement, timing of the~~
18 ~~examinations relative to completion of education, experience, or board or program approval, manner of~~
19 ~~registration for the examination, and criteria for retaking the examination, except that all examinations and~~
20 ~~passage rates must be developed by a third-party professional examination vendor or nationally recognized~~
21 ~~examiner of the profession or occupation;~~

22 ~~(6) defining titles, terms, words, initials, insignia, designations, or abbreviations that are protected~~
23 ~~by licensure;~~

24 ~~(7)(6) designating third-party entities to perform internationally educated applicant credential~~
25 ~~evaluations; and~~

26 ~~(8)(7) necessary to administer and implement the provisions of any board or program licensing act~~
27 ~~and regulate the conduct of persons under board or program jurisdiction."~~

28

1 dental hygienist must have:

2 (a) ~~certification of successful completion of~~ passed the national board written examination;

3 (b) ~~certification of successful completion of~~ passed a regional board practical examination; and

4 ~~(c) two affidavits of good moral character;~~

5 ~~(d)(c) a certificate of graduation~~ graduated from a board-approved dental hygiene school; ~~and~~

6 ~~(e) an application fee."~~

7

8 **Section 94.** Section 37-6-101, MCA, is amended to read:

9 **"37-6-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions
10 apply:

11 (1) "Board" means the board of medical examiners provided for in 2-15-1731.

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

14 (3) "Podiatrist" means a physician or surgeon of the foot and ankle, licensed to diagnose and treat
15 ailments of the human functional foot and ankle.

16 (4) "Podiatry" means the diagnosis and treatment of ailments of the human functional foot and
17 ankle as provided in 37-6-102. The term includes "foot correctionist".

18

19 **Section 95.** Section 37-7-101, MCA, is amended to read:

20 **"37-7-101. Definitions.** As used in this chapter, the following definitions apply:

21 (1) (a) "Administer" means the direct application of a drug to the body of a patient by injection,
22 inhalation, ingestion, or any other means.

23 (b) Except as provided in 37-7-105, the term does not include immunization by injection for
24 children under 18 years of age.

25 (2) "Board" means the board of pharmacy provided for in 2-15-1733.

26 (3) "Cancer drug" means a prescription drug used to treat:

27 (a) cancer or its side effects; or

28 (b) the side effects of a prescription drug used to treat cancer or its side effects.

1 (4) "Chemical" means medicinal or industrial substances, whether simple, compound, or obtained
2 through the process of the science and art of chemistry, whether of organic or inorganic origin.

3 (5) "Clinical pharmacist practitioner" means a licensed pharmacist in good standing who meets the
4 requirements specified in 37-7-306.

5 (6) "Collaborative pharmacy practice" means the practice of pharmacy by a pharmacist who has
6 agreed to work in conjunction with one or more prescribers, on a voluntary basis and under protocol, and who
7 may perform certain patient care functions under certain specified conditions or limitations authorized by the
8 prescriber.

9 (7) "Collaborative pharmacy practice agreement" means a written and signed agreement between
10 one or more pharmacists and one or more prescribers that provides for collaborative pharmacy practice for the
11 purpose of drug therapy management of patients.

12 (8) "Commercial purposes" means the ordinary purposes of trade, agriculture, industry, and
13 commerce, exclusive of the practices of medicine and pharmacy.

14 (9) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or
15 device based on:

16 (a) a practitioner's prescription drug order;

17 (b) a professional practice relationship between a practitioner, pharmacist, and patient;

18 (c) research, instruction, or chemical analysis, but not for sale or dispensing; or

19 (d) the preparation of drugs or devices based on routine, regularly observed prescribing patterns.

20 (10) "Confidential patient information" means privileged information accessed by, maintained by, or
21 transmitted to a pharmacist in patient records or that is communicated to the patient as part of patient
22 counseling.

23 (11) "Controlled substance" means a substance designated in Schedules II through V of Title 50,
24 chapter 32, part 2.

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

27 (13) "Device" has the same meaning as defined in 37-2-101.

28 (14) "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a

1 prescription drug order, including the preparation and delivery of a drug or device to a patient or patient's agent
2 in a suitable container appropriately labeled for administration to or use by a patient.

3 (15) "Distribute" or "distribution" means the sale, purchase, trade, delivery, handling, storage, or
4 receipt of a drug or device and does not include administering or dispensing a prescription drug, pursuant to
5 section 353(b)(1), or a new animal drug, pursuant to section 360b(b) of the Federal Food, Drug, and Cosmetic
6 Act, 21 U.S.C. 301, et seq.

7 (16) "Drug" means a substance:

8 (a) recognized as a drug in any official compendium or supplement;

9 (b) intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
10 animals;

11 (c) other than food, intended to affect the structure or function of the body of humans or animals;

12 and

13 (d) intended for use as a component of a substance specified in subsection (16)(a), (16)(b), or

14 (16)(c).

15 (17) "Drug utilization review" means an evaluation of a prescription drug order and patient records
16 for duplication of therapy, interactions, proper utilization, and optimum therapeutic outcomes. The term includes
17 but is not limited to the following evaluations:

18 (a) known allergies;

19 (b) rational therapy contraindications;

20 (c) reasonable dose and route administration;

21 (d) reasonable directions for use;

22 (e) drug-drug interactions;

23 (f) drug-food interactions;

24 (g) drug-disease interactions; and

25 (h) adverse drug reactions.

26 (18) "Equivalent drug product" means a drug product that has the same established name, active
27 ingredient or ingredients, strength or concentration, dosage form, and route of administration and meets the
28 same standards as another drug product as determined by any official compendium or supplement. Equivalent

1 drug products may differ in shape, scoring, configuration, packaging, excipients, and expiration time.

2 (19) "FDA" means the United States food and drug administration.

3 (20) "Health care facility" has the meaning provided in 50-5-101.

4 (21) (a) "Health clinic" means a facility in which advice, counseling, diagnosis, treatment, surgery,
5 care, or services relating to preserving or maintaining health are provided on an outpatient basis for a period of
6 less than 24 consecutive hours to a person not residing at or confined to the facility.

7 (b) The term includes an outpatient center for primary care and an outpatient center for surgical
8 services, as those terms are defined in 50-5-101, and a local public health agency as defined in 50-1-101.

9 (c) The term does not include a facility that provides routine health screenings, health education,
10 or immunizations.

11 (22) "Health information system" means one of the following systems used to compile and manage
12 patient health care information:

13 (a) an electronic health record system;

14 (b) a health information exchange approved by the board;

15 (c) a pharmacy dispensing system; or

16 (d) a system defined by the board by rule.

17 (23) "Hospital" has the meaning provided in 50-5-101.

18 (24) "Immunization-certified pharmacist" means a pharmacist who:

19 (a) has successfully completed an immunization delivery course of training that is approved by the
20 accreditation council for pharmacy education or by an authority approved by the board and that, at a minimum,
21 includes instruction in hands-on injection technique, clinical evaluation of indications and contraindications of
22 immunizations, storage and handling of immunizations, and documentation and reporting; and

23 (b) holds a current basic cardiopulmonary resuscitation certification issued by the American heart
24 association, the American red cross, or another recognized provider.

25 (25) "Intern" means:

26 (a) a person who is licensed by the state to engage in the practice of pharmacy while under the
27 personal supervision of a preceptor and who is satisfactorily progressing toward meeting the requirements for
28 licensure as a pharmacist;

1 (b) a graduate of an accredited college of pharmacy who is licensed by the state for the purpose of
2 obtaining practical experience as a requirement for licensure as a pharmacist;

3 (c) a qualified applicant awaiting examination for licensure; or

4 (d) a person participating in a residency or fellowship program.

5 (26) "Long-term care facility" has the meaning provided in 50-5-101.

6 (27) "Manufacturing" means the production, preparation, propagation, conversion, or processing of
7 a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by
8 means of chemical or biological synthesis.

9 (28) "Medicine" means a remedial agent that has the property of curing, preventing, treating, or
10 mitigating diseases or which is used for this purpose.

11 (29) "Outsourcing facility" means a facility at one geographic location or address that:

12 (a) engages in compounding of sterile drugs;

13 (b) has elected to register as an outsourcing facility with FDA; and

14 (c) complies with all the requirements of section 353b of the Federal Food, Drug, and Cosmetic
15 Act, 21 U.S.C. 301 et seq.

16 (30) "Participant" means a physician's office, pharmacy, hospital, or health clinic that has elected to
17 voluntarily participate in the cancer drug repository program provided for in 37-7-1403 and that accepts donated
18 cancer drugs or devices under rules adopted by the board.

19 (31) "Patient counseling" means the communication by the pharmacist of information, as defined by
20 the rules of the board, to the patient or caregiver in order to ensure the proper use of drugs or devices.

21 (32) "Person" includes an individual, partnership, corporation, association, or other legal entity.

22 (33) "Pharmaceutical care" means the provision of drug therapy and other patient care services
23 intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a
24 patient's symptoms, or arresting or slowing of a disease process.

25 (34) "Pharmacist" means a person licensed by the state to engage in the practice of pharmacy and
26 who may affix to the person's name the term "R.Ph."

27 (35) "Pharmacy" means an established location, either physical or electronic, registered by the
28 board where drugs or devices are dispensed with pharmaceutical care or where pharmaceutical care is

1 provided. The term includes "apothecary," "drug store," "chemist shop," or other synonym or terms descriptive
2 of a pharmacy.

3 (36) "Pharmacy technician" means an individual who assists a pharmacist in the practice of
4 pharmacy.

5 (37) "Poison" means a substance that, when introduced into the system, either directly or by
6 absorption, produces violent, morbid, or fatal changes or that destroys living tissue with which it comes in
7 contact.

8 (38) "Practice of pharmacy" means:

9 (a) interpreting, evaluating, and implementing prescriber orders;

10 (b) administering drugs and devices pursuant to a collaborative practice agreement, except as
11 provided in 37-7-105, and compounding, labeling, dispensing, and distributing drugs and devices, including
12 patient counseling;

13 (c) properly and safely procuring, storing, distributing, and disposing of drugs and devices and
14 maintaining proper records;

15 (d) monitoring drug therapy and use;

16 (e) initiating or modifying drug therapy in accordance with collaborative pharmacy practice
17 agreements established and approved by health care facilities or voluntary agreements with prescribers;

18 (f) participating in quality assurance and performance improvement activities;

19 (g) providing information on drugs, dietary supplements, and devices to patients, the public, and
20 other health care providers; and

21 (h) participating in scientific or clinical research as an investigator or in collaboration with other
22 investigators.

23 (39) "Practice pharmacy by means of telehealth" means to provide pharmaceutical care through the
24 use of information technology to patients at a distance.

25 (40) "Preceptor" means an individual who is registered by the board and participates in the
26 instructional training of a pharmacy intern.

27 (41) "Prescriber" has the same meaning as provided in 37-7-502.

28 (42) "Prescription drug" means any drug that is required by federal law or regulation to be

1 dispensed only by a prescription subject to section 353(b) of the Federal Food, Drug, and Cosmetic Act, 21
2 U.S.C. 301 et seq.

3 (43) "Prescription drug order" means an order from a prescriber for a drug or device that is
4 communicated directly or indirectly by the prescriber to the furnisher by means of a signed order, by electronic
5 transmission, in person, or by telephone. The order must include the name and address of the prescriber, the
6 prescriber's license classification, the name and address of the patient, the name, strength, and quantity of the
7 drug, drugs, or device prescribed, the directions for use, and the date of its issue. These stipulations apply to
8 written, oral, electronically transmitted, and telephoned prescriptions and orders derived from collaborative
9 pharmacy practice.

10 (44) "Provisional community pharmacy" means a pharmacy that has been approved by the board,
11 including but not limited to federally qualified health centers, as defined in 42 CFR 405.2401, where prescription
12 drugs are dispensed to appropriately screened, qualified patients.

13 (45) "Qualified patient" means a person who is uninsured, indigent, or has insufficient funds to
14 obtain needed prescription drugs or cancer drugs.

15 (46) "Registry" means the prescription drug registry provided for in 37-7-1502.

16 (47) "Utilization plan" means a plan under which a pharmacist may use the services of a pharmacy
17 technician in the practice of pharmacy to perform tasks that:

- 18 (a) do not require the exercise of the pharmacist's independent professional judgment; and
- 19 (b) are verified by the pharmacist.

20 (48) "Wholesale" means a sale for the purpose of resale."

21

22 **Section 96.** Section 37-7-201, MCA, is amended to read:

23 **"37-7-201. ~~Organization -- powers~~ Powers and duties -- rulemaking authority.** (1) The board shall
24 ~~meet at least once a year to transact its business. The board shall annually elect from its members a president,~~
25 ~~vice president, and secretary.~~

26 ~~(2) The board shall regulate the practice of pharmacy in this state, including but not limited to:~~

27 ~~(a) establishing establish minimum standards for:~~

28 ~~(i)(a) necessary pharmacy equipment ~~necessary in and for a pharmacy;~~~~

1 (8) a person from fulfilling state or federal regulations governing the delivery or provision of
2 nutritional health services to hospitals or long-term care facilities if the person does not represent to the public
3 that the person is a nutritionist; or

4 (9) a person who provides individualized nutrition recommendations for the wellness and primary
5 prevention of chronic disease, health coaching, holistic and wellness education, guidance, motivation, behavior
6 change management, services for nonmedical weight control, or other nutrition care services if the services do
7 not constitute medical nutrition therapy and the person does not represent to the public that the person is a
8 dietitian or nutritionist."

9
10 **Section 149.** Section 37-26-103, MCA, is amended to read:

11 **"37-26-103. Definitions.** As used in this chapter, the following definitions apply:

12 (1) "Approved naturopathic medical college" means a college and program granting the degree of
13 doctor of naturopathy or naturopathic medicine that:

14 (a) is accredited by the council on naturopathic medical education or another accrediting agency
15 recognized by the United States department of education;

16 (b) has the status of candidate for accreditation with the accrediting agency; or

17 (c) has been approved by the board after an investigation that determines that the college or
18 program meets education standards equivalent to those established by the accrediting agency and complies
19 with the board's rules, which must require as a minimum a 4-year, full-time resident program of academic and
20 clinical study.

21 (2) "Board" means the alternative health care board established in 2-15-1730.

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

23 (4) "Homeopathic preparations" means substances and drugs prepared according to the official
24 Homeopathic Pharmacopoeia of the United States, which is the standard homeopathic text recognized by the
25 United States food and drug administration.

26 (5) (a) "Minor surgery" means the use of:

27 (i) operative, electrical, or other methods for the surgical repair and care incidental to superficial
28 lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial

1 tissues; and

2 (ii) antiseptics and local anesthetics in connection with the methods.

3 (b) Minor surgery does not include general or spinal anesthetics, major surgery, surgery of the
4 body cavities, or specialized surgeries, such as plastic surgery, surgery involving the eyes, or surgery involving
5 tendons, ligaments, nerves, or blood vessels.

6 (6) (a) "Naturopathic childbirth attendance" means the specialty practice of natural childbirth by
7 naturopathic physicians that includes the use of natural therapeutic substances, ophthalmic antibiotics, oxytocin
8 (pitocin), and minor surgery, as set by board rules.

9 (b) The term does not include a forceps delivery, general or spinal anesthesia, or a cesarean
10 section.

11 (7) "Naturopathic medicine", "naturopathic health care", or "naturopathy" means a system of
12 primary health care practiced by naturopathic physicians for the prevention, diagnosis, and treatment of human
13 health conditions, injury, and disease. Its purpose is to promote or restore health by the support and stimulation
14 of the individual's inherent self-healing processes. This is accomplished through education of the patient by a
15 naturopathic physician and through the use of natural therapies and therapeutic substances.

16 (8) "Naturopathic physical applications" means the therapeutic use by naturopathic physicians of
17 the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light,
18 constitutional hydrotherapy, and naturopathic manipulative therapy.

19 (9) "Naturopathic physician" means a person authorized and licensed to practice naturopathic
20 health care under this chapter and use the prefix "Dr.". The term includes the term "doctor of naturopathy,"
21 "doctor of naturopathic medicine," "naturopath," and "naturopathic physician".

22 (10) "Topical drugs" means topical analgesics, anesthetics, antiseptics, scabicides, antifungals, and
23 antibacterials."

24

25 **Section 150.** Section 37-26-201, MCA, is amended to read:

26 **"37-26-201. Powers and duties of board.** The board shall:

27 ~~(1) adopt rules necessary or proper to administer and enforce this chapter;~~

28 ~~(2)~~(1) adopt rules that specify the scope of practice of naturopathic medicine stated in 37-26-301, that

- 1 (f) adrenocorticosteroids.
- 2 (3) Topical medications applied or administered by a licensed athletic trainer must be prescribed
- 3 on a specific or standing basis by a licensed medical practitioner authorized to order or prescribe topical
- 4 medications and must be purchased from a pharmacy certified under 37-7-324 [section 16]. Topical
- 5 medications dispensed under this section must comply with packaging and labeling guidelines developed by
- 6 the board of pharmacy under Title 37, chapter 7.
- 7 (4) Appropriate recordkeeping is required of a licensed athletic trainer who applies or administers
- 8 topical medications as authorized in this section."

Section 165. Section 37-37-102, MCA, is amended to read:

"37-37-102. Definitions. As used in this chapter, the following definitions apply:

- 12 (1) "Board" means the board of behavioral health established in 2-15-1744.
- 13 (2) "Department" means the department of labor and industry.
- 14 (3) "Licensee" means a person licensed under this chapter.
- 15 (4) "Marriage and family therapist licensure candidate" means a person who is registered pursuant
- 16 to 37-37-205 to engage in marriage and family therapy and earn supervised work experience necessary for
- 17 licensure.

(5) "Marriage and family therapist" means an individual licensed to practice marriage and family therapy. The term includes "marriage therapist" and "marital therapist".

~~(5)(6)~~ (a) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders within the context of interpersonal relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family system theories and techniques, counseling, consultation, treatment planning, and supervision in the delivery of services to individuals, couples, and families.

(b) The term includes the performance of psychological testing, evaluation, and assessment if the licensee is qualified to administer testing and make evaluations and assessments pursuant to 37-17-104.

~~(6)(7)~~ "Practice of marriage and family therapy" means the provision of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, for a fee, monetary or

1 otherwise, either directly or through public or private organizations.

2 ~~(7)~~(8) "Qualified supervisor" means a supervisor determined by the board to meet standards
3 established by the board for supervision of clinical services.

4 ~~(8)~~(9) "Recognized educational institution" means:

5 (a) an educational institution that grants a bachelor's, master's, or doctoral degree and that is
6 recognized by the board and by a regional accrediting body; or

7 (b) a postgraduate training institute accredited by the commission on accreditation for marriage
8 and family therapy education."

9

10 **Section 166.** Section 37-37-201, MCA, is amended to read:

11 **"37-37-201. License requirements -- exemptions.** (1) An applicant for a license shall pay an
12 application fee set by the board by rule. The board may provide a separate, combined fee for persons licensed
13 by the board holding dual licenses. An applicant for a license under this section shall also complete an
14 application on a form provided by the department and provide documentation to the board that the applicant:

15 (a) (i) has a master's degree or a doctoral degree in marriage and family therapy from a
16 recognized educational institution or a degree from a program accredited by the commission on accreditation
17 for marriage and family therapy education;

18 (ii) has a graduate degree in an allied field from a recognized educational institution and graduate
19 level work that the board determines to be the equivalent of a master's degree in marriage and family therapy or
20 marriage and family counseling; or

21 (iii) has met additional postdegree experience requirements set by the board by rule as being
22 equivalent to the degree requirements in subsection (1)(a)(i) or (1)(a)(ii) if the applicant does not have a degree
23 as provided in subsection (1)(a)(i) or (1)(a)(ii);

24 (b) has successfully passed an examination prescribed by the board;

25 (c) has worked under the direct supervision of a qualified supervisor for at least 3,000 hours,
26 including 1,000 hours of face-to-face client contact in the practice of marriage and family therapy, of which up to
27 500 hours may be accumulated while achieving the educational credentials listed in subsection (1)(a)(i) or
28 (1)(a)(ii); and

1 **"37-47-345. Enforcement.** Investigations and issuance of ~~board~~-complaints for violations of this
2 chapter or rules adopted pursuant to this chapter may be made through department investigation or at the
3 ~~board's~~ department's request by any peace officer; warden of the department of fish, wildlife, and parks; or
4 federal agency enforcement personnel."
5

6 **Section 180.** Section 37-47-404, MCA, is amended to read:

7 **"37-47-404. Responsibility for violations of law.** (1) A person accompanying a hunting or fishing
8 party as an outfitter, guide, or outfitter's assistant is equally responsible with any person or party engaging the
9 person as an outfitter for any violation of fish and game laws unless the violation is reported to a peace officer
10 by the outfitter, guide, or outfitter's assistant and the outfitter, guide, or outfitter's assistant was not an active
11 participant. An outfitter, guide, or outfitter's assistant who willfully fails or refuses to report any violation of fish
12 and game laws is liable for the penalties provided in this chapter. If a guide or outfitter's assistant violates the
13 laws or applicable regulations relating to fish and game, outfitting, or guiding with actual knowledge of an
14 outfitter engaging the guide or outfitter's assistant, the outfitter is legally responsible for the violation for all
15 purposes under the laws or regulations if the outfitter fails to report the violation to the proper authority.

16 (2) An outfitter, guide, or outfitter's assistant shall report any violation or suspected violation of fish
17 and game laws that the outfitter, guide, or outfitter's assistant knows has been committed by the employees,
18 contractors, agents, representatives, clients, or participants in the outfitting or guiding activity. The violation or
19 suspected violation must be reported to a peace officer at the earliest possible opportunity.

20 (3) A person may not hire or retain an outfitter unless the outfitter is currently licensed in
21 accordance with the laws of the state of Montana. A person may not use the services of a guide, and a guide
22 may not offer services unless the services are obtained through an endorsing outfitter.

23 (4) An outfitter may not place a hired or retained outfitter's assistant in a position of providing
24 services to participants until the outfitter has documentation as specified by board rule under 37-47-201(4)(e)."
25

26 **Section 181.** Section 37-49-102, MCA, is amended to read:

27 **"37-49-102. Definitions.** As used in this chapter, the following definitions apply:

28 (1) "Active candidate status" means a person who has met the requirements established by the

1 American board of genetic counseling to take the board's certification examination in general genetics and
2 genetic counseling and has been granted the designation by the board.

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

4 ~~(3)(2)~~ "Genetic counseling" means the provision of the services specified under 37-49-103 by an
5 individual who qualifies for a license under this chapter.

6 ~~(4)(3)~~ "Genetic counselor" or "gene counselor" means an individual licensed in accordance with 37-
7 49-202 ~~[section 34]~~ to engage in the competent practice of genetic counseling."

8

9 **Section 182.** Section 37-50-101, MCA, is amended to read:

10 **"37-50-101. Definitions.** Unless the context requires otherwise, in this chapter, the following
11 definitions apply:

12 (1) "Affiliated entity" means an entity owned, leased, or controlled by a firm through common
13 employment or any other service arrangement, including but not limited to financial or investment services,
14 insurance, real estate, and employee benefits services.

15 (2) "Agreed-upon procedures engagement" means an engagement performed in accordance with
16 applicable attestation standards and in which a firm or person is engaged to issue a written finding that:

17 (a) is based on specific procedures that the specified parties agree are sufficient for their
18 purposes;

19 (b) is restricted to the specified parties; and

20 (c) does not provide an opinion or negative assurance.

21 (3) "Attest" means providing the following services:

22 (a) an audit or other engagement to be performed in accordance with the statements on auditing
23 standards;

24 (b) a review of a financial statement to be performed in accordance with the statements on
25 standards for accounting and review services;

26 (c) an examination of prospective financial information to be performed in accordance with the
27 statements on standards for attestation engagements;

28 (d) an engagement to be performed in accordance with the auditing standards of the public