



## Economic Affairs Interim Committee

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### 61st Montana Legislature

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ROY BROWN  
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#### COMMITTEE STAFF

PAT MURDO, Research Analyst  
BART CAMPBELL, Staff Attorney  
CLAUDIA (CJ) JOHNSON, Secretary

as of July 21, 2010

### Medical Impairment Subcommittee Draft Agenda

July 22, 2010

Room 137 of the State Capitol

- 1:00 p.m. Introductions, Roll Call. Outline of format:
- The chair will present the question and provide a brief explanation.
  - Participating Board Members will be asked to respond in a panel-type discussion of each question. Participating Board members are: Heather O'Hara - Board of Nursing, Mike Bertagnolli - Board of Pharmacy; Dr. Mary Ann Guggenheim - Board of Medical Examiners; Dr. David Johnson, Board of Dentistry. Also participating are Emery Jones (Montana Assistance Program) and Mike Ramirez by phone (Medical Assistance Program)
  - Subcommittee members may offer alternatives for discussion of revisions that may be needed in statute for each discussion item.
  - The chair will call for public comment at end, followed by subcommittee action.
- 1:05 p.m. Review of Issues to be Discussed (see questions below)
- 1:10 p.m. Discussion about changing statutes to require increased notification of boards of participants' activities in the professional assistance programs. (Issue No. 1) --
- 1:40 p.m. Discussion about distinguishing in statute between participants in the nondisciplinary tracks and the disciplinary tracks and how each are handled by the program/board.
- 2:10 p.m. Discussion about recidivism and how many chances ought to be allowed before a participant faces loss or suspension of license.
- 2:30 p.m. Discussion about automatic revocation of license upon conviction of a felony or, for those with prescription authority the revocation by the Drug Enforcement Agency of prescription authority
- 2:50 p.m. Discussion of use of out-of-state impairment program auditors
- 3:10 p.m. Public Comment
- 3:30 p.m. Subcommittee Action followed by Adjournment

The following proposals were presented as discussion points for the Subcommittee:

1. --codify a requirement that the professional assistance programs notify the appropriate board about their licensees who are participating in the program and their progress.
2. --distinguish in statute between participants in the nondisciplinary tracks (volunteer referral) and the disciplinary (possible legal infraction) tracks by using different program/board approaches for each.
3. --determine whether two strikes (or other number of strikes or failures to complete a program or stay clean) means a participant loses their license.
4. -- provide a statutory revocation of license upon a felony conviction or -- for those with prescription authority -- the revocation by the Drug Enforcement Agency of prescription authority
5. -- discuss requiring a recommendation for use of in-state auditors to monitor impairment programs.