_____ BILL NO. _____

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE BOARD OF ALLIED HEALTH CARE PROFESSIONALS; TRANSFERRING PROVISIONS RELATED TO CLINICAL LABORATORY SCIENCE PRACTITIONERS, RADIOLOGIC TECHNOLOGISTS, AND RESPIRATORY CARE PRACTITIONERS FROM INDIVIDUAL PRACTICE ACT CHAPTERS TO THE BOARD OF ALLIED HEALTH CARE PROFESSIONALS PRACTICE ACT CHAPTER; PROVIDING RULEMAKING AUTHORITY; CONSOLIDATING DEFINITIONS; CONSOLIDATING PROVISIONS; RENUMBERING SECTIONS; REORGANIZING SECTIONS; AMENDING SECTIONS 2-6-1017, 37-1-148, 37-46-102, 37-46-103, AND 87-5-709, MCA; AND REPEALING SECTIONS 37-14-102, 37-14-301, 37-14-302, 37-14-305, 37-14-306, 37-28-102, 37-34-101, 37-34-103, 37-34-301, 37-34-302, 37-34-303, AND 37-34-305, MCA."

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

NEW SECTION. **Section 1. Issuance of license, permit, or limited permit.** The board shall issue a license or permit to each applicant who has met the requirements of this chapter.

NEW SECTION. **Section 2. Clinical laboratory science -- license required -- exemptions.** (1) A person may not engage in the practice of clinical laboratory science or hold out to the public that the person is a clinical laboratory science practitioner in this state unless the person is licensed pursuant to this chapter.

(2) This chapter does not apply to:

(a) the scope of practice or regulation of licensed physicians;

(b) any other profession licensed under Title 37 to the extent that the applicable scope of that practice, as defined by statute, by rules of the board or agency governing the other profession, or by both statute and rules, authorizes the performance of a clinical laboratory test;

(c) clinical laboratory science practitioners employed by the United States or by any bureau,

division, or agency of the United States while in the discharge of the employee's official duties;

(d) clinical laboratory science practitioners engaged in teaching or research, provided that the results of any examination performed are not used in health maintenance, diagnosis, or treatment of disease;

(e) students or trainees enrolled in a clinical laboratory science education or training program, provided that:

(i) these activities constitute a planned course in the program;

(ii) the persons are designated by a title, such as intern, trainee, or student; and

(iii) the persons work directly under an individual licensed by this state to practice clinical laboratory science;

(f) any person performing only waived tests as provided for in the federal clinical laboratory regulations set forth in 42 CFR part 493;

(g) a perfusionist or cardiopulmonary technician who, as part of a surgical team, performs laboratory tests in an operating room during surgery or during the perioperative and immediate postoperative period; or

(h) clinical laboratory science practitioners employed by certified rural health clinics who perform only those basic laboratory services required under the federal regulations set forth in 42 CFR 491.9(c)(2).

NEW SECTION. **Section 3. Radiologic technologist -- limitation of license authority -- exemptions.** (1) Except as provided in subsection (2), an individual may not perform x-ray procedures unless licensed or granted a limited permit under this chapter.

(2) Licensure under subsection (1) is not required for:

(a) a student enrolled in and attending a school or college of medicine, osteopathy, podiatry, dentistry, dental hygiene, chiropractic, or radiologic technology who applies x-ray radiation to persons under the specific direction of an individual licensed to prescribe examinations or treatment;

(b) an individual administering x-ray examinations related to the practice of dentistry or denturitry if the individual is certified by the board of dentistry as having passed an examination testing the person’s proficiency to administer x-ray examinations; or

(c) an individual who only operates industrial x-ray equipment that does not involve procedures

administered on people.

(3) This chapter may not be construed to limit or affect in any respect the practice of their respective professions by licensed practitioners.

NEW SECTION. **Section 4. Clinical laboratory science -- scope of practice.** (1) The practice of clinical laboratory science includes the performance and interpretation of microbiological, serological, chemical, hematological, radiobioassay, cytological, biophysical, immunological, cytogenetical, or other examination on material that is derived from the human body and that provides information for the assessment of a medical condition or for the diagnosis, prevention, or treatment of a disease.

(2) A clinical laboratory scientist licensed under [section 5] may:

(a) perform clinical laboratory tests pursuant to established and approved protocols requiring the exercise of independent judgment and responsibility;

(b) maintain equipment and records;

(c) perform quality assurance activities related to test performance; and

(d) supervise and teach within a clinical laboratory setting.

(3) A clinical laboratory specialist licensed under [section 5] may:

(a) perform laboratory testing in a specialized testing area, such as microbiology, chemistry, immunology, or hematology, according to approved protocols requiring the exercise of independent judgment and responsibility;

(b) maintain equipment and records;

(c) perform quality assurance activities related to test performance; and

(d) supervise and teach within the specific area of the clinical laboratory.

(4) A clinical laboratory technician licensed under [section 5] may perform laboratory tests pursuant to established and approved protocols that require limited exercise of independent judgment and that are performed under the supervision of a clinical laboratory scientist, laboratory supervisor, or laboratory director.

NEW SECTION. **Section 5. Clinical laboratory science -- license required -- standards for**

licensure. (1) The board shall issue a license for a clinical laboratory scientist, a clinical laboratory specialist, or a clinical laboratory technician to a person who meets the qualifications for licensure.

(2) An applicant for a clinical laboratory scientist must have:

(a) graduated with a baccalaureate degree, including a minimum number of hours in areas or disciplines established by rule by the board; and

(b) passed a certifying examination approved by the board.

(3) The board shall issue a clinical laboratory specialist license to an individual who has graduated with a baccalaureate degree as described in subsection (2) and has passed a certifying examination covering those fields in which the applicant is eligible and approved by the board. The license must be issued as a clinical laboratory specialist license and must state the designation of the area of specialty.

(4) The board shall issue a clinical laboratory technician license to an individual who meets the qualifications promulgated by the board, including the following minimum qualifications:

(a) completion of an associate degree or 60 semester hours in a science-related discipline;

(b) completion of other equivalent formal education as approved by the board; and

(c) a passing score on a certifying examination approved by the board.

NEW SECTION. **Section 6. Scope of practice -- radiologic technologist -- radiologist assistant -- injections.** (1) A radiologic technologist licensed under this chapter may perform diagnostic x-ray procedures on individuals and perform functions in connection with the diagnostic procedure as follows:

(a) operate x-ray equipment to reveal the internal condition of patients for the diagnosis of fractures, diseases, and other injuries;

(b) prepare and position patients for x-ray procedures;

(c) select the proper radiologic technique for visualization of specific internal structures of the human body;

(d) select the proper ancillary equipment to be used in the x-ray procedure to enhance the visualization of the desired structure; and

(e) inspect, maintain, and perform minor repairs to x-ray equipment.

(2) A radiologic technologist licensed under this chapter may perform x-ray procedures on

individuals for medical, diagnostic, or therapeutic purposes under the specific direction of an individual licensed to prescribe x-ray procedures.

(3) (a) A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radionuclide material) intravenously by the use of venous puncture and saline solution flush on the request and direction of a licensed practitioner.

(b) When contrast media is used, the licensed practitioner requesting the procedure, the radiologist, or personnel trained in advanced cardiac life support must be immediately available in the facility.

(c) Injections must be for diagnostic studies only and not for therapeutic purposes.

(d) Except as provided in 37-14-313, permitted injections include peripheral intravenous injections but specifically exclude intra-arterial injections.

(4) (a) Except as provided in subsection (4)(b), a radiologist assistant licensed under 37-14-313 may give injections related to the procedures authorized by the board to be provided by a radiologist assistant without regard to the restrictions on radiologic technologists provided in subsection (3) of this section.

(b) When contrast media is used under subsection (4)(a), a licensed physician or additional medical personnel trained in advanced cardiac life support must be immediately available in the facility.

(5) An uncertified radiologic technologist, a limited permit holder under [section 8], or an individual who is not licensed or authorized under a separate licensing act may not perform any of the activities listed in subsection (3) of this section.

NEW SECTION. **Section 7. Qualifications -- radiologic technologist.** An applicant for licensure as a radiologic technologist must:

(1) be at least 18 years of age; and

(2) have satisfactorily completed a 24-month course of study in radiologic technology approved by the board.

NEW SECTION. **Section 8. Limited permits -- qualifications -- radiologic technologist.** (1) The board may issue a limited permit to an applicant not qualifying for the issuance of a license under the provisions of this chapter but who has demonstrated to the satisfaction of the board the capability of performing high-

quality x-ray procedures without endangering public health and safety. Limited permits issued under the provisions of [section 3] and this section must specify x-ray procedures, defined and established by rule, that may be performed by the holder. Limited permits are valid for a period not to exceed 12 months but may be renewed under the provisions established by rule.

(2) An applicant for a limited permit:

(a) must be at least 18 years of age; and

(b) shall demonstrate the capability described in subsection (1) by completion of formal classroom training that meets the standards established by rule and by means of examination.

NEW SECTION. **Section 9. Scope of practice -- respiratory care.** (1) The practice of respiratory care by a respiratory care practitioner includes the treatment, management, diagnostic testing, and control of patients with deficiencies and abnormalities associated with the cardiopulmonary system. A respiratory care practitioner may:

(a) administer pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures that are necessary to implement a treatment, disease prevention, pulmonary rehabilitation, or diagnostic regimen prescribed by a physician;

(b) transcribe and implement written or verbal orders of a physician regarding the practice of respiratory care;

(c) observe and monitor a patient's signs and symptoms, general behavior, and physical response to respiratory care treatment and diagnostic testing, including determining abnormal characteristics;

(d) implement respiratory care protocols pursuant to a prescription by a physician; and

(e) initiate emergency procedures prescribed by board rules.

(2) Respiratory care is not limited to a hospital setting but must be performed pursuant to a physician's order and under qualified medical direction. The term includes inhalation and respiratory therapy.

Section 10. Section 2-6-1017, MCA, is amended to read:

"**2-6-1017. Prohibition on dissemination or use of distribution lists -- exceptions -- penalties.** (1) Except as provided in subsections (3) through (10), to protect the privacy of those who deal with state and local

government:

(a) a public agency may not distribute or sell a distribution list without first securing the permission of those on the list; and

(b) a list of persons prepared by a public agency may not be used as a distribution list except by the public agency or another public agency without first securing the permission of those on the list.

(2) As used in this section, "distribution list" means any list of personal contact information collected by a public agency and used to facilitate unsolicited contact with individuals on the distribution list.

(3) This section does not prevent an individual from compiling a distribution list by examination of records that are otherwise open to public inspection.

(4) This section does not apply to the lists of:

(a) registered electors and the new voter lists provided for in 13-2-115;

(b) the names of employees governed by Title 39, chapter 31;

(c) persons holding driver's licenses or Montana identification cards provided for under 61-5-127;

(d) persons holding professional or occupational licenses governed by Title 37, chapters 1 through 4, 6 through 13, 15 through 20, ~~22~~ 24 through 27, 29, 31, ~~34 through~~ 33, 36, 39, 40, 45 through 47, ~~48, 50,~~ 49 through 51, ~~53,~~ 54 through 56, 60, 65 through 69, 72, ~~and~~ 73, 77, and 78, and Title 50, chapters 39, 72, 74, and 76;

(e) persons who own property in a county water and/or sewer district provided for in 7-13-2275(4)(d); or

(f) persons certified as claims examiners under 39-71-320.

(5) This section does not prevent an agency from providing a list to persons providing prelicensing or continuing education courses subject to state law or subject to Title 33, chapter 17.

(6) This section does not apply to the right of access by Montana law enforcement agencies.

(7) This section does not apply to the secretary of state's electronic filing system developed pursuant to 2-15-404 and containing corporate and uniform commercial code information.

(8) This section does not apply to the use by the public employees' retirement board of a list of board-administered retirement system participants to send materials on behalf of a retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the

Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the list is not released to the organization.

(9) This section does not apply to lists of individuals who sign attendance sheets or sign-in sheets at a hearing or meeting of a public agency.

(10) This section does not apply to a public school providing lists of graduating students to representatives of the armed forces of the United States or to the national guard for the purposes of recruitment.

(11) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor."

Section 11. Section 37-1-148, MCA, is amended to read:

"**37-1-148. Apprenticeships -- licensure.** (1) A board or program shall grant a license listed in subsection (3) of this section to a person who completes an apprenticeship program under Title 39, chapter 6, in the relevant occupation or profession.

(2) An applicant for licensure through an apprenticeship program shall meet the same exam and fee requirements as an applicant who completes an educational program prior to licensure.

(3) The following licenses are subject to the provisions of this section:

(a) for the board of allied health care professionals, Title 37, chapter 46:

(i) clinical laboratory technician;

~~(i)~~ (ii) radiologic technologist~~, Title 37, chapter 14~~; and

~~(ii) clinical laboratory technician, Title 37, chapter 34;~~

(iii) respiratory care practitioner;

(b) for the board of barbers and cosmetologists, Title 37, chapter 31:

(i) barbering;

(ii) barbering nonchemical;

(iii) cosmetology;

(iv) electrology;

(v) esthetics; and

(vi) manicuring;

(c) for the board of behavioral health, Title 37, chapter 39:

(i) addiction counseling; and

(ii) peer support specialist;

(d) for the board of funeral service, Title 37, chapter 19, mortician;

(e) for the board of massage therapy, Title 37, chapter 33, massage therapist;

(f) for the board of medical examiners, Title 37, chapter 3, emergency medical technician;

(g) for the board of nursing, Title 37, chapter 8:

(i) licensed practical nurse;

(ii) medication aide II; and

(iii) registered nurse;

(h) for the board of pharmacy, Title 37, chapter 7, pharmacy technician;

(i) for the board of physical, rehabilitative, and developmental health care professionals, Title 37, chapter 11, physical therapy assistant;

(j) for the board of plumbers, Title 37, chapter 69, journeyman plumber;

(k) for the board of veterinary medicine, Title 37, chapter 18, veterinary technician;

(l) for the department of labor and industry, Title 50, chapter 74:

(i) agricultural class engineer;

(ii) limited low-pressure engineer;

(iii) low-pressure engineer; and

(iv) third-class engineer;

(m) for the department of labor and industry, Title 37, chapter 72, construction blaster;

(n) for the department of labor and industry, Title 50, chapter 76, licensed first-class crane and hoist engineer;

(o) for the department of labor and industry, Title 37, chapter 73:

(i) elevator contractor;

(ii) elevator inspector; and

(iii) elevator mechanic;

(p) for the department of labor and industry, Title 37, chapter 16, hearing aid dispenser; and

(q) for the state electrical board, Title 37, chapter 68, journeyman electrician.

(4) Each board or program shall adopt rules for the implementation of this section."

Section 12. Section 37-46-102, MCA, is amended to read:

"**37-46-102. Definitions.** As used in ~~Title 37, chapter 46~~ this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Board" means the board of allied health care professionals provided for in 2-15-1752.

(2) "Clinical laboratory" or "laboratory" means any facility or office in which clinical laboratory tests are performed.

(3) (a) "Clinical laboratory science practitioner" means a health care professional who performs clinical laboratory tests or who is engaged in management, education, consulting, or research in clinical laboratory science.

(b) The term includes laboratory directors, managers, supervisors, clinical laboratory scientists, clinical laboratory specialists, and clinical laboratory technicians who work in a laboratory.

(c) The term does not include:

(i) persons employed by a clinical laboratory to perform supportive functions not related to direct performance of laboratory tests; or

(ii) clinical laboratory trainees.

(4) "Clinical laboratory scientist" means an individual licensed under [section 5] and who performs the functions in accordance with [section 4].

(5) "Clinical laboratory specialist" means an individual licensed under [section 5] and who performs the functions in accordance with [section 4].

(6) "Clinical laboratory technician" means an individual licensed under [section 5] and who performs the functions in accordance with [section 4].

(7) "Clinical laboratory test" or "laboratory test" means:

(a) a microbiological, serological, chemical, hematological, radiobioassay, cytological, biophysical, immunological, cytogenetical, or other examination that is performed on material derived from the human body; or

(b) any other test or procedure conducted by a laboratory or facility that provides information for the assessment of a medical condition or for the diagnosis, prevention, or treatment of a disease.

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

(9) "General supervision" means face-to-face communication, direction, observation, and evaluation by a radiologist at least monthly, with interim supervision occurring by other methods, such as telephonic, electronic, or written communication.

(10) "Licensed practitioner" means an individual licensed or otherwise authorized by law to practice medicine, dentistry, denturitry, dental hygiene, podiatry, osteopathy, or chiropractic.

(11) "Limited permit" means an authorization that may be granted by the board to perform an x-ray procedure on a person when the applicant's qualifications do not meet standards required for the issuance of a license.

(12) "Limited permit holder" means an individual who does not qualify for the issuance of a license under the provisions of this chapter, but who has demonstrated, to the satisfaction of the board, the capability of performing specified high-quality x-ray procedures without endangering public health and safety.

(13) "Performance of x-ray procedures" means the involvement or completion of any portion of an x-ray procedure that may have an effect on the patient's accumulated x-ray radiation exposure, including positioning of the patient, technique selection, selection of ancillary equipment, initiation of exposure, and darkroom procedures.

(14) "Practice of clinical laboratory science" means the provision of the services specified under [section 4] by an individual who is licensed as a clinical laboratory scientist, clinical laboratory specialist, or clinical laboratory technician.

(15) "Qualified medical direction" means the direction of:

(a) a medical director of an inpatient or outpatient respiratory care service, a respiratory care department, or a home-care agency; or

(b) a licensed physician with a special interest and knowledge about the diagnosis and treatment of respiratory problems.

(16) "Radiologic technologist" means an individual, other than a licensed practitioner, who has

qualified under the provisions of this chapter for the issuance of a license to perform diagnostic x-ray procedures on persons and who performs the functions prescribed in [section 6] in connection with the diagnostic procedure.

(17) "Radiologist" means a person who is licensed to practice medicine under Title 37, chapter 3, who is board eligible or board certified by the American board of radiology, and who resides and practices in Montana.

(18) "Radiologist assistant" means an advanced-level radiologic technologist who works under the supervision of a radiologist to enhance patient care by assisting the radiologist in the diagnostic imaging environment.

(19) "Respiratory care" means the care provided in accordance with [section 9].

(20) "Respiratory care practitioner" means a person who has the knowledge and skill necessary to administer respiratory care and who is licensed under Title 37, chapter 1, and this chapter.

(21) "Student respiratory care practitioner" means a person:

(a) enrolled in a respiratory care educational program recognized by the joint review committee for respiratory therapy education and the American medical association's committee on allied health education and accreditation, or their successors;

(b) permitted to provide respiratory care under clinical supervision; and

(c) identified as a student respiratory care practitioner or "SRCP"."

Section 13. Section 37-46-103, MCA, is amended to read:

"**37-46-103. Duties of board -- rulemaking authority.** (1) The board shall:

(a) administer, coordinate, and enforce the provisions of ~~Title 37, chapter 14, 28, 34, and 46~~ this chapter;

(b) for each profession licensed under ~~the chapters listed in subsection (1)(a)~~ this chapter, establish criteria for licensure;

(c) ~~for each chapter listed under subsection (1)(a),~~ adopt fees in accordance with 37-1-134 for:

(i) applications for licensure;

(ii) examinations;

(iii) initial license issuance; and

(iv) license renewal; and

(d) authorize the department to issue and renew licenses to qualified applicants.

(2) The board may adopt rules necessary to implement the provisions of ~~Title 37, chapters 14, 28, 34, and 46~~ this chapter."

Section 14. Section 87-5-709, MCA, is amended to read:

"**87-5-709. Exceptions and exemptions to possession and sale of exotic wildlife.** (1) Sections 87-5-705 through 87-5-708 and this section do not apply to:

(a) institutions that have established that their proposed facilities are adequate to provide secure confinement of wildlife, including:

(i) an accredited zoological garden or wildlife sanctuary chartered by the state as a nonprofit corporation;

(ii) a roadside menagerie permitted under 87-4-803 that was established for the purpose of exhibition or attracting trade;

(iii) a research facility for testing and science that employs individuals licensed under ~~37-34-301~~ [section 5] or that submits evidence to the department that it meets animal testing standards as provided by the national institutes of health, the national science foundation, the centers for disease control and prevention, the United States department of agriculture, or another similar nationally recognized and approved testing standard; or

(b) domestic animals.

(2) Authorization for possession must be provided by the department for exotic wildlife possessed as of January 1, 2004, and the authorization may include any conditions and restrictions necessary to minimize risks."

NEW SECTION. **Section 15. Repealer.** The following sections of the Montana Code Annotated are repealed:

37-14-102. Definitions.

37-14-301. Limitation of license authority -- exemptions.

37-14-302. Qualifications.

37-14-305. Issuance of license or limited permit.

37-14-306. Limited permits.

37-28-102. Definitions.

37-34-101. Short title.

37-34-103. Definitions.

37-34-301. License required.

37-34-302. Exemptions.

37-34-303. Standards for licensure.

37-34-305. Licensure procedures.

NEW SECTION. **Section 16. Directions to code commissioner.** (1) Section 37-14-322 is intended to be renumbered and codified in Title 37, chapter 46, part 1.

(2) Sections 37-28-201 and 37-28-204 are intended to be renumbered and codified in a new part in Title 37, chapter 46.

(3) Sections 37-14-313 and 37-28-202 are intended to be renumbered and codified in a new part in Title 37, chapter 46.

(4) Section 37-28-401 is intended to be renumbered and codified in a new part in Title 37, chapter 46.

(5) The code commissioner is instructed to change all internal references within and to the renumbered sections in the Montana Code Annotated, including within sections enacted or amended by the 2027 legislature, to reflect the new section numbers assigned pursuant to this section.

(6) Any section enacted by the 2027 legislature that is to be codified in Title 37, chapter 14, 28, or 34, must be codified as an integral part of Title 37, chapter 46.

NEW SECTION. **Section 17. Codification instruction.** (1) [Sections 1 through 3] are intended to be codified as a new part in Title 37, chapter 46, and the provisions of Title 37, chapter 46, apply to [sections 1

through 3].

(2) [Sections 4 through 9] are intended to be codified as a separate, new part in Title 37, chapter 46, and the provisions of Title 37, chapter 46, apply to [sections 4 through 9].

- END -