

## 1 HOUSE BILL NO. 502

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6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A BOARD OF FACILITY HEALTH CARE  
7 PROFESSIONALS; GENERALLY REVISING PROFESSIONAL AND OCCUPATIONAL LICENSING  
8 PROVISIONS AND TRANSFERRING AUTHORITY FOR CLINICAL LABORATORY SCIENCE  
9 PRACTITIONERS, RADIOLOGIC TECHNOLOGISTS, AND RESPIRATORY CARE PRACTITIONERS TO THE  
10 BOARD OF FACILITY HEALTH CARE PROFESSIONALS; PROVIDING FOR STANDARD ORGANIZATIONAL  
11 DUTIES FOR THE BOARD; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS;  
12 AMENDING SECTIONS 37-14-102, 37-14-305, 37-14-322, 37-28-102, 37-28-202, 37-34-103, AND 37-34-305,  
13 MCA; REPEALING SECTIONS 2-15-1738, 2-15-1750, 2-15-1753, 37-14-101, 37-14-201, 37-14-202, 37-14-  
14 307, 37-14-308, 37-14-311, 37-28-101, 37-28-103, 37-28-104, 37-28-305, 37-34-102, AND 37-34-201, MCA;  
15 AND PROVIDING A DELAYED EFFECTIVE DATE."

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18  
19 NEW SECTION. **Section 1. Board of facility health care professionals.** (1) In accordance with 37-  
20 1-123, there is a board of facility health care professionals.

21 (2) The board consists of seven members:

- 22 (a) two clinical laboratory scientists;  
23 (b) two radiologic technologists;  
24 (c) two respiratory therapists; and  
25 (d) one public member.

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

27  
28 NEW SECTION. **Section 2. Purpose.** It is a matter of public interest and concern that the health

professions regulated by the board warrant and receive the confidence of the public and that only qualified persons be permitted to practice in each respective field from within or outside of Montana and engage with clients located within the state.

**NEW SECTION. Section 3. Definitions.** As used in [sections 2 through 4], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Board" means the board of facility health care professionals provided for in [section 1].

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

**NEW SECTION. Section 4. Duties of board -- rulemaking authority.** (1) The board shall:

(a) administer, coordinate, and enforce the provisions of Title 37, chapter 14, 28, 34, and [sections 2 through 4];

(b) for each profession licensed under the chapters listed in subsection (1)(a), 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 [sections 2 through 4].

**Section 5.** Section 37-14-102, MCA, is amended to read:

**"37-14-102. Definitions.** In this chapter, unless the context clearly requires otherwise, the following definitions apply:

(1) "Board" means the board of ~~radiologic technologists~~ facility health care professionals provided

1 for in ~~2-15-1738~~ [section 1].

2 (2) "Department" means the department of labor and industry.

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

6 (4) "License" means an authorization issued by the department to perform x-ray procedures on  
7 persons.

8 (5) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice  
9 medicine, dentistry, denturistry, dental hygiene, podiatry, osteopathy, or chiropractic.

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

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

17 (8) "Permit" means an authorization that may be granted by the board to perform x-ray procedures  
18 on persons when the applicant's qualifications do not meet standards required for the issuance of a license.

19 (9) "Radiologic technologist" means a person, other than a licensed practitioner, who has qualified  
20 under the provisions of this chapter for the issuance of a license to perform diagnostic x-ray procedures on  
21 persons and who performs the following functions in connection with the diagnostic procedure:

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

24 (b) prepares and positions patients for x-ray procedures;

25 (c) selects the proper radiographic technique for visualization of specific internal structures of the  
26 human body;

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

- 1 (e) prepares film processing solutions and develops or processes the exposed x-ray film; and
- 2 (f) inspects, maintains, and performs minor repairs to x-ray equipment.
- 3 (10) "Radiologist" means a person who is licensed to practice medicine under Title 37, chapter 3,
- 4 who is board eligible or board certified by the American board of radiology, and who resides and practices in
- 5 Montana.
- 6 (11) "Radiologist assistant" means an advanced-level licensed radiologic technologist who works
- 7 under the supervision of a radiologist to enhance patient care by assisting the radiologist in the diagnostic
- 8 imaging environment."
- 9

10 **Section 6.** Section 37-14-305, MCA, is amended to read:

11 **"37-14-305. Issuance of license or permit --fee.** The board shall issue a license or permit to each

12 applicant who ~~has submitted a nonrefundable licensing fee set by the board and~~ has met the requirements of

13 this chapter."

14

15 **Section 7.** Section 37-14-322, MCA, is amended to read:

16 **"37-14-322. Inspections.** Inspections for compliance with the provisions of this chapter may be

17 performed by:

- 18 (1) the board of ~~radiologic technologists~~ facility health care professionals;
- 19 (2) the department of labor and industry; or
- 20 (3) the department of public health and human services."
- 21

22 **Section 8.** Section 37-28-102, MCA, is amended to read:

23 **"37-28-102. Definitions.** As used in this chapter, the following definitions apply:

- 24 (1) "Board" means the board of ~~respiratory care practitioners~~ facility health care professionals
- 25 established in ~~2-15-1750~~ [section 1].
- 26 (2) "Qualified medical direction" means the direction of:
- 27 (a) a medical director of an inpatient or outpatient respiratory care service, a respiratory care
- 28 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.

(3) (a) "Respiratory care" means the care provided by a member of the allied health profession responsible for the treatment, management, diagnostic testing, and control of patients with deficiencies and abnormalities associated with the cardiopulmonary system. The term includes but is not limited to:

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

(ii) transcription and implementation of the written or verbal orders of a physician regarding the practice of respiratory care;

(iii) observation and monitoring of a patient's signs and symptoms, general behavior, and physical response to respiratory care treatment and diagnostic testing, including determination of abnormal characteristics;

(iv) implementation of respiratory care protocols pursuant to a prescription by a physician; and

(v) initiation of emergency procedures prescribed by board rules.

(b) 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.

(4) "Respiratory care practitioner" means a person who has the knowledge and skill necessary to administer respiratory care and who is licensed under the provisions of part 2 of this chapter.

(5) "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 9.** Section 37-28-202, MCA, is amended to read:

**"37-28-202. Licensing requirements -- examination --fees.** (1) To be eligible for licensure by the

1 board as a respiratory care practitioner, ~~the~~ an applicant shall must:

2 (a) ~~submit to the board an application fee in an amount established by the board and an~~  
3 ~~application demonstrating that the applicant has completed:~~

4 (i)(a) ~~have completed~~ high school or the equivalent; and

5 (ii)(b) ~~have completed~~ a respiratory care educational program accredited or provisionally accredited  
6 by the American medical association's committee on allied health education and accreditation in collaboration  
7 with the joint review committee for respiratory therapy education or their successor organizations; and

8 (b)(c) ~~pass~~ have passed an examination prescribed by the board. The board may use the entry-level  
9 examination written by the national board for respiratory care or another examination that satisfies the  
10 standards of the national commission for health certifying agencies or the commission's equivalent.

11 (2) A person holding a license to practice respiratory care in ~~this~~ the state may use the title  
12 "respiratory care practitioner" and the abbreviation "RCP".  
13

14 **Section 10.** Section 37-34-103, MCA, is amended to read:

15 **"37-34-103. Definitions.** As used in this chapter, the following definitions apply:

16 (1) "Board" means the board of ~~clinical laboratory science practitioners~~ facility health care  
17 professionals established in ~~2-15-1753~~ [section 1].

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

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

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

25 (c) The term does not include:

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

28 (ii) clinical laboratory trainees.

- 1           (4)     "Clinical laboratory scientist" means a person who:
- 2           (a)     performs clinical laboratory tests pursuant to established and approved protocols requiring the
- 3     exercise of independent judgment and responsibility;
- 4           (b)     maintains equipment and records;
- 5           (c)     performs quality assurance activities related to test performance; and
- 6           (d)     may supervise and teach within a clinical laboratory setting.
- 7           (5)     "Clinical laboratory specialist" means a person who:
- 8           (a)     performs laboratory testing in a specialized testing area, such as microbiology, chemistry,
- 9     immunology, or hematology, according to approved protocols requiring the exercise of independent judgment
- 10    and responsibility;
- 11          (b)     maintains equipment and records;
- 12          (c)     performs quality assurance activities related to test performance; and
- 13          (d)     may supervise and teach within the specific area of the clinical laboratory.
- 14          (6)     "Clinical laboratory technician" means a person who performs laboratory tests pursuant to
- 15    established and approved protocols that require limited exercise of independent judgment and that are
- 16    performed under the supervision of a clinical laboratory scientist, laboratory supervisor, or laboratory director.
- 17          (7)     "Clinical laboratory test" or "laboratory test" means:
- 18          (a)     a microbiological, serological, chemical, hematological, radiobioassay, cytological, biophysical,
- 19    immunological, cytogenetical, or other examination that is performed on material derived from the human body;
- 20    or
- 21          (b)     any other test or procedure conducted by a laboratory or facility that provides information for
- 22    the assessment of a medical condition or for the diagnosis, prevention, or treatment of a disease.
- 23          (8)     "Department" means the department of labor and industry provided for in 2-15-1701.
- 24          (9)     "License" means the clinical laboratory science license issued under this chapter.
- 25          (10)    "Practice of clinical laboratory science" means the performance and interpretation of
- 26    microbiological, serological, chemical, hematological, radiobioassay, cytological, biophysical, immunological,
- 27    cytogenetical, or other examination on material that is derived from the human body and that provides
- 28    information for the assessment of a medical condition or for the diagnosis, prevention, or treatment of a

1 disease."

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3 **Section 11.** Section 37-34-305, MCA, is amended to read:

4 **"37-34-305. Licensure application procedures.** ~~(1) An applicant shall submit an application for a~~  
5 ~~license to the board and shall pay an application fee set by the board.~~

6 ~~(2) Upon receipt of the application and fee, the~~ The department shall issue a license for a clinical  
7 laboratory scientist, a clinical laboratory specialist, or a clinical laboratory technician to any person who meets  
8 the qualifications ~~specified by the board as set forth in rules adopted by the board pursuant to 37-34-201 and~~  
9 ~~37-34-303 for licensure.~~"

10

11 NEW SECTION. **Section 12. Repealer.** The following sections of the Montana Code Annotated are  
12 repealed:

13 2-15-1738. Board of radiologic technologists.

14 2-15-1750. Board of respiratory care practitioners.

15 2-15-1753. Board of clinical laboratory science practitioners.

16 37-14-101. Purpose.

17 37-14-201. Compensation of board members -- meetings.

18 37-14-202. Rulemaking power.

19 37-14-307. Duty to carry or display license or permit.

20 37-14-308. Issuance of other documents.

21 37-14-311. Deposit of fees.

22 37-28-101. Findings -- purpose.

23 37-28-103. Board meetings -- procedure -- seal.

24 37-28-104. Board powers and duties.

25 37-28-305. Deposit of fees.

26 37-34-102. Declaration of policy and purpose.

27 37-34-201. Powers and duties of board -- rulemaking authority.

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