



To: HB 495 - Multidisciplinary Health Care Provider Task Force Members

From: Colleen White, Attorney for Business Standards Division

Date: August 23, 2021

Re: Task Force Charter and Written Plan

Chapter 424 L. 2021 (HB 495), sponsored by Rep. Mary Caferro, creates a five-member Multidisciplinary Health Care Provider Task Force (Task Force) of executive branch representatives from the Department of Labor and Industry, Business Standards Division, the Board of Medical Examiners, the Board of Nursing, the Department of Public Health and Human Services (DPHHS), and the Insurance Commissioner of the State Auditor's Office.

The Department of Labor and Industry, Business Standards Division (BSD), as the administratively attached agency, proposes the following Charter to implement HB 495 for approval by the Task Force.

Montana Code Annotated "Clean Up"

The primary goal of HB 495 is to submit draft legislation to the Children, Families, Health, and Human Services (CFHHS) Interim Committee.

During testimony, the sponsor and proponent Montana Nurses' Association (MNA) referred to identification by Montana Legislative Services Division (LSD) Research Analyst, Erin Sullivan, of a large number of statutes requiring amendment that specify "physician," but should also include Advanced Practice Registered Nurse (APRN) and physician assistant (PA). Mont. House Human Services Comm., Hearing on HB 495 (February 24, 2021), Mont. Senate Public Health, Welfare, and Safety Comm., Hearing on HB 495 (March 26, 2021).

During these legislative hearings, the sponsor and proponents emphasized that the bill:

- does not expand scopes of practices but is only to "clean up" the Montana Code Annotated to recognize the authority of PAs and APRNs "where they should be inserted...,"
- will provide the framework to "update statute and paperwork issues," including "DPPHS forms, health insurance forms, and other documents that require a health care provider's signature" and avoid wasting time and resources when forms are rejected if signed by an APRN, and
- recognizes that in rural communities, PAs and APRNs may be the primary care providers.

Id. Upon request, Ms. Sullivan provided the Business Standards Division with a list dated January 14, 2021 (emailed to an MNA representative the same date) with approximately 159 code sections that highlight the term "physician" 398 times.

The Task Force will start with the LSD-developed list and decide in each occurrence of treatment, diagnosis, or duty imposed on a physician, whether the PA (under supervision of a physician) and APRN (independently practicing) scopes of practice allow them to perform equally and amend the statutory language accordingly.

The Task Force will not propose changes to the Montana Code Annotated that expand any scope of practice, contradict the discretionary policy decision of an agency, or other legislative policies of a broad scope. As specified in Section 8 of HB 495, the Task Force's role is limited to making recommendations that ensure consistent application of rules, policies and procedures to health care providers and ensure cost efficiencies in that regard.

Stakeholders and Interested Persons

The Task Force will conduct its meetings under Ti. 2, ch. 3, pt. 2, Open Meetings and send notice of meetings to the *interested persons* list maintained by each agency represented on the Task Force.

Under Sec. 1 (3) the Task Force "must include other *stakeholders* in the review required under this section as necessary." Because the LSD-developed list includes statutes administered by agencies who are not represented on the task force (e.g., Department of Administration, Department of Justice, Department of Corrections, Office of Public Instruction, etc.), it is necessary to add these agencies to the interested persons list to review recommended legislative amendments. For sections impacting local government, the Task Force will include as stakeholders the Montana Municipal Interlocal Authority, the Montana Association of Counties, and the Montana League of Cities and Towns.

Written Plan

As required by Sec. 1 (9), the Task Force will provide a written plan outlining the process and deadlines. See *attached, Proposed Written Plan*. Under the plan, the Task Force will make recommendations on the LSD-developed list of statutes as amended by the 2021 Legislative session, elicit written comment from interested persons and stakeholders, and determine whether to add additional statutes for consideration by the Task Force. After consideration of the written comments, the Task Force will finalize its recommendations and submit a report to the CFHHS Interim Committee.