

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 24.156.508 approved residency,) ADOPTION
24.156.606 examination, 24.156.607)
graduate training requirements,)
24.156.611 occasional case)
exemption, 24.156.625, 24.156.1005,)
24.156.1307, 24.156.1412,)
24.156.1625, and 24.156.2705)
unprofessional conduct, 24.156.1301)
definitions, 24.156.1304 initial)
license, 24.156.1306 professional)
conduct and standards, 24.156.1620)
physician assistant license renewal,)
and the adoption of NEW RULE I)
podiatry postgraduate training)

TO: All Concerned Persons

1. On July 10, 2014, the Board of Medical Examiners (board) published MAR Notice No. 24-156-81 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1474 of the 2014 Montana Administrative Register, Issue No. 13.

2. On August 1, 2014, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Two comments were received by the August 8, 2014, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: One commenter stated that language in ARM 24.156.625(1)(u) and (ac) is similar and asked the board to either clarify the differences or consider incorporating the similar language of both into (1)(ac).

RESPONSE 1: The board appreciates all comments made during the rulemaking process. The board agrees with this comment and is not proceeding with the amendment to (1)(u), and amending (1)(ac) as suggested.

COMMENT 2: One commenter opposed the amendment to ARM 24.156.1620 to no longer require that PAs affirm current NCCPA certification at renewal. The commenter asserted this change would place Montana at risk of being a state where individuals who choose not to maintain and expand their current knowledge base will choose to work. The commenter further stated that, over time, Montana will become

a haven for PAs who are unable to pass their recertification examination and those who elect to not maintain certification, which places the public at risk. The commenter noted that ARM 24.156.1616 would need to be amended to be consistent and claimed that many constituent members have voiced these concerns.

RESPONSE 2: The board appreciates all comments made during the rulemaking process, but decided to amend ARM 24.156.1620 exactly as proposed. The board will consider changes to ARM 24.156.1616 in a later rules package.

4. The board has amended ARM 24.156.508, 24.156.606, 24.156.607, 24.156.611, 24.156.1005, 24.156.1301, 24.156.1304, 24.156.1306, 24.156.1307, 24.156.1412, 24.156.1620, 24.156.1625, and 24.156.2705 exactly as proposed.

5. The board has adopted NEW RULE I (24.156.1008) exactly as proposed.

6. The board has amended ARM 24.156.625 with the following changes, stricken matter interlined, new matter underlined:

24.156.625 UNPROFESSIONAL CONDUCT (1) through (1)(t) remain as proposed.

(u) failing to transfer pertinent and necessary medical records to another licensed health care provider, the patient, or the patient's representative when requested to do so by the patient or the patient's legally designated representative; ~~or failing to make appropriate arrangements to transfer or secure patient medical records when closing or selling a practice;~~

(v) through (ab) remain as proposed.

(ac) failing to make appropriate arrangements to transfer and place patient medical records in a secure location preceding, during, or following a change in a practice location; sale of a practice; or termination of a patient relationship or a medical practice; or knowingly breaching the confidentiality of patient medical records with an individual unauthorized to receive medical records; or

(ad) remains as proposed.

BOARD OF MEDICAL EXAMINERS
MARY ANNE GUGGENHEIM, PHYS,
PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 10, 2014