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## Economic Affairs Interim Committee

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### 61st Montana Legislature

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CLAUDIA (CJ) JOHNSON, Secretary

as of August 12, 2010

### Memo

To: Economic Affairs Committee Members  
From: Pat Murdo, Committee Staff  
Re: Medical Impairment Assistance Subcommittee's Bill Draft

Attached is the proposed bill draft regarding medical impairment assistance programs. The draft does four main things:

- requires periodic audits of the medical impairment assistance programs (both internal and external);
- takes a confidentiality provision that was in the Board of Medical Examiners section and applies it to all relevant boards and repeals that section specific to the Board of Medical Examiners;
- requires the four relevant licensing boards -- the Board of Medical Examiners, the Board of Dentistry, the Board of Nursing, and the Board of Pharmacy -- to take disciplinary action against a licensee in an assistance program who has 3 separate occurrences of returning to use of a prohibited or proscribed substance. The subcommittee did not discuss but it was later suggested to put in a time frame. Proposed here is 3 occurrences in 3 years.
- requires assistance programs for the Board of Medical Examiners (removes discretion) and the Board of Pharmacy. (Nursing and Dentistry already require programs.)

The confidentiality provision in the bill draft comes mainly from 37-3-208, MCA, and applies it to all affected licensing boards. If the language serves all relevant boards, 37-3-208, which affects only physicians of the Board of Medical Examiners, can be repealed.

The rest of the bill flows pretty much from the recommendations at the subcommittee meeting.

The audit cost for the external audit done for the Medical Assistance Program was \$5,000, according to the Board of Medical Examiners, which paid the full cost.