

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 24.156.630 and 24.156.635 and) REPEAL
the repeal of ARM 24.156.632,)
24.156.633, 24.156.634, 24.156.636,)
and 24.156.637 pertaining to Montana)
Health Corps)

TO: All Concerned Persons

1. On August 25, 2023, the Board of Medical Examiners (agency) published MAR Notice No. 24-156-96 regarding the public hearing on the proposed changes to the above-stated rules, at page 828 of the 2023 Montana Administrative Register, Issue No. 16.

2. On September 15, 2023, a public hearing was held on the proposed changes to the above-stated rules via the videoconference and telephonic platform. Comments were received by the deadline.

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

COMMENT 1: A commenter stated that they supported generally the rulemaking.

RESPONSE 1: The comment is acknowledged.

COMMENT 2: A commenter opposed the amendment striking ARM 24.156.635(6) pertaining to the maintenance of medical records. The commenter suggested that the rule was necessary to provide clarity about recordkeeping requirements, particularly for health corps volunteers from out of state.

RESPONSE 2: The board disagrees with the comment. Health Corps volunteers are fully licensed, practicing physicians. They are subject to identical requirements as any other physician practicing in Montana while performing services under the Health Corps Act. Retaining ARM 24.156.635(6) furthers an ambiguity in law, by restating a single unprofessional conduct rule for the Health Corps, implying that other unprofessional conduct rules might not apply. As proposed, and explained in the statement of reasonable necessity, unprofessional conduct rules apply universally to licensees practicing in Montana. It is incumbent on licensees, whether practicing in Montana regularly, or for a short period, to be familiar with our laws and rules. Failure properly to maintain patient records as required may subject the licensee to disciplinary action by this board.

4. The agency has amended ARM 24.156.630 and 24.156.635 as proposed.

5. The agency has repealed ARM 24.156.632, 24.156.633, 24.156.634, 24.156.636, and 24.156.637 as proposed.

BOARD OF MEDICAL EXAMINERS
JAMES GUYER, M.D., PRESIDENT

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Rule Reviewer

/s/ SARAH SWANSON
Sarah Swanson, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 10, 2023.