



MONTANA
ADMINISTRATIVE
REGISTER



**BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-269.1

Summary

Implementation of Senate Bills 183 and 347 following the 2025 Montana legislative session.

Hearing Date and Time

Tuesday, March 31, 2026, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/88251712624>

Meeting ID: 882 5171 2624; Password: 9406469508

Dial by Telephone: +1 646 558 8656

Meeting ID: 882 5171 2624; Password: 9406469508

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, April 3, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, March 24, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.156.405 UNPROFESSIONAL CONDUCT

- (1) It is unprofessional conduct for a licensee or applicant to violate any statute, rule, or standard of care governing their scope of practice.
- (2) In addition, the following is unprofessional conduct:
 - (a) failure to cooperate in any investigation of the board or to provide any information requested by the board or its agents;
 - (b) failure to report to the board within thirty days from the date of a final judgment, order, or agency action, all information related to malpractice, misconduct, criminal, or disciplinary action in which the licensee or applicant is a party;
 - (c) abusive billing practices;
 - (d) testifying in court on a contingency basis;
 - (e) administering, dispensing, prescribing, ordering, or otherwise diverting a controlled substance as defined by the federal Food and Drug Administration or its successors, otherwise than in the course of legitimate or reputable professional practice;
 - (f) regarding patient records, to fail to:

- (i) appropriately secure records;
 - (ii) appropriately document patient care; or
 - (iii) transfer 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;
- (g) termination of an existing relationship with a patient for whatever reason without verifiable written notice prior to terminating the relationship, and sufficiently far in advance to allow other medical care to be secured;
- (h) sexual abuse, sexual misconduct, or sexual exploitation by the licensee, whether or not related to the licensee's practice;
- (i) failure to supervise, appropriately direct, or train individuals under the licensee's supervision according to applicable law, rule, or standards;
- (j) failure to comply with an agreement entered into by the licensee with the medical assistance program;
- (k) for physician assistants with fewer than 8,000 hours of postgraduate clinical experience, practicing without a collaborative agreement meeting the requirements of 37-20-203, MCA;
- (l) while under investigation or during a pending complaint, in Montana or elsewhere, but prior to a determination:
 - (i) withdrawing an application for licensure, certification, or registration; or
 - (ii) voluntarily relinquishing or surrendering of professional or occupational license, certification, registration, or privileges;
- (m) engaging in practice under a license issued by the board as the partner, agent, or employee of, or in joint venture with, a person who does not hold an equivalent license for practice. However, this rule does not prohibit:
 - (i) the incorporation of an individual licensee or group of licensees as a professional service corporation under Title 35, chapter 4, MCA, a professional limited liability company under Title 35, chapter 8, MCA, or a professional limited liability partnership under Title 35, chapter 10; or
 - (ii) practicing medicine as the partner, agent, or employee of, or in joint venture with, a licensed health care facility or other licensed health care provider; however:
 - (A) there must be a written agreement that the relationship may not affect the independent judgment of the licensee;
 - (B) the independent judgment of the licensee must, in fact, not be affected by the relationship; and

- (C) the licensee may not be required to refer any patient to a particular provider or supplier or take any other action that the physician or physician assistant determines not to be in the patient's best interest;
- (n) for physicians and physician assistants, involuntary loss of or failure to report to the board any involuntary loss of privileges, which exceeds 30 days, within 30 days;
- (o) when used, failure to maintain a collaborative practice agreement meeting the requirements of 37-20-203, MCA;
- (p) if currently enrolled in a residency program, failure to report to the board any loss of good standing imposed by a residency program.

Authorizing statute(s): 37-1-131, 37-1-319, 37-3-202, 37-6-106, 37-13-201, 37-25-201, MCA

Implementing statute(s): 37-1-131, 37-1-316, 37-1-319, 37-3-305, 37-3-323, 37-3-401, 37-3-405, 37-6-311, 37-25-201, MCA

Reasonable Necessity Statement

Amendment of this rule is reasonably necessary following the Legislature's passage of Senate Bill (SB) 347 (2025), which allows a resident to obtain a medical license after completing one year of accredited residency training while remaining enrolled and in good standing in an accredited residency program. Without this amendment, the board may lack critical information necessary to carry out appropriate oversight for licensees.

24.156.607 GRADUATE TRAINING REQUIREMENTS FOR FOREIGN MEDICAL GRADUATES

- (1) A license will not be granted to a foreign medical graduate unless:
 - (a) the graduate has had three years of post-graduate training education in a post-graduate institution that has been approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or successors; or
 - (b) the graduate has had three years of postgraduate training education in a program approved by or affiliated with the ~~World Health Organization~~ World Directory of Medical Schools or successors and has sufficient fluency in spoken and written English to practice medicine with reasonable skill and safety; or

- (c) the graduate has been granted board certification by a specialty board which is approved by and a member of the American Board of Medical Specialties or the American Osteopathic Association, or provides verification of being a certificant of the College of Family Physicians of Canada, a fellow of the Royal College of Physicians, or a fellow of the Royal College of Surgeons.

Authorizing statute(s): 37-3-203, MCA

Implementing statute(s): 37-3-305, MCA

Reasonable Necessity Statement

Amendment of this rule is reasonably necessary to accurately identify the organization responsible for approving medical schools. The amendment clarifies the correct approving entity and provides flexibility to recognize successor organizations that assume the same functions.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 APPLICATION FOR COMPACT PRIVILEGE VIA THE PA COMPACT

- (1) A Montana-licensed physician assistant who wishes to apply for compact privilege in another state that is a member of the Physician Assistant Licensure Compact (PA Compact) must:
 - (a) submit a completed application on a form approved by the board;
 - (b) pay an application fee for compact privilege in another state via the PA Compact per ARM 24.156.409; and
 - (c) designate Montana as the participating state in compliance with 37-20-501, MCA.
- (2) Upon receiving an application for compact privilege to practice in Montana via the PA Compact, the department shall:
 - (a) conduct a review of qualifications and a criminal background check as required by 37-20-402, MCA; and

- (b) inform the PA Compact whether or not the applicant meets the qualifications of 37-20-501, MCA.

Authorizing statute(s): 37-3-203, MCA

Implementing statute(s): 37-20-402, 37-20-501, MCA

Reasonable Necessity Statement

Adoption of proposed NEW RULE 1 is reasonably necessary to implement the Physician Assistant Licensure Compact authorized by the Montana Legislature through the enactment of House Bill (HB) 183 (2025). The rule establishes the application process under which an eligible physician assistant may be granted compact privilege.

REPEAL

The rule proposed to be repealed is as follows:

24.156.611 OCCASIONAL CASE EXEMPTION

Authorizing statute(s): 37-3-203, MCA

Implementing statute(s): 37-3-103, MCA

Reasonable Necessity Statement

Repeal of this rule is necessary because the 2025 Montana Legislature enacted HB 414, which allows for someone licensed in good standing in another jurisdiction to practice in Montana through a temporary registration for up to 21 days per calendar year. The provisions of HB 414 govern temporary registration making this rule duplicative and unnecessary.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rules are independent medical practices. The board has determined that the

proposed rule changes will not create a significant and direct impact on these small businesses. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The primary bill sponsors were contacted on July 16, 2025, by email.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Ashleigh Magill, M.D., Chair, Board of Medical Examiners