

HOUSE BILL 525
TERMINATION REVIEW OF
LICENSING BOARDS

BUSINESS STANDARDS DIVISION
OVERVIEW

What we do?

Boards' Responsibilities

Protect the health, safety, and welfare of the public through licensing

- Set standards for the profession
- Grant or deny licenses
- Discipline licensees

Division Responsibilities

Establish and provide all of the administrative, legal, and technical services needed by the boards to conduct their business.

Board Staffing

- Program Manager – oversees the functions of the boards
- Application Specialist – processes applications and renewals
- Executive Director – Board of Outfitters, Board of Medical Examiners and Board of Realty Regulation, Board of Pharmacy
- Bureau Chief
- Compliance Specialist – processes all complaints
- Inspectors/Investigators
- Attorneys – prosecuting attorney & board counsel

How are costs allocated?

Direct Costs – expenses directly attributed to a board/program

- Staff assigned to the board
- Legal costs
- Operating Expenses, i.e. travel, board member per diem, administrative rule making costs, printing and mailing costs, etc.

Indirect Costs – expenses that affect all boards/program as a whole

- Division Administrative Staff – Administrator, deputy, receptionist
- Rent
- Telephone Equipment
- General Supplies
- IT staff and support
- Fixed Costs – costs charged by other departments that support the boards, i.e. ITSD, SABHRS, etc.
- Indirect costs are allocated based on time distribution

FEES

Fees set by the Boards

- Initial licensing
- Reciprocity
- Renewals
- Applications
- Inspections
- Audits
- Examination
- Endorsements & Specialties

Standardized fees set by the Department

- License verifications
- Duplicate Licenses
- Late penalty fees*
- Licensee Lists

**Per MCA 37-1-104(11) late penalty fees may be set without being commensurate with the cost of services provided*

- Fees are required to be set commensurate with costs
- Boards need to generate enough revenue to cover both their direct and indirect costs
- Fees are adopted by Administrative Rule
- Cash Balances cannot exceed 200% of annual appropriation
 - ARM 24.101.301 allows a board to rebate fees should their cash balance exceed 200%

FY 2012-13 BOARD/PROGRAM BUDGETS

Fund	Board/Program	FY 2012 Budget	FY 2013 Budget
02024	Blaster Licensing	\$2,980	\$3,085
02078	Board of Occupational Therapists	\$33,725	\$33,749
02079	Fire Protection & Permitting	\$61,324	\$61,480
02109	Board of Outfitters	\$643,473	\$643,785
02155	Boiler Safety Program	\$574,163	\$576,276
02207	Crane Licensing	\$99,563	\$99,843
02359	Licensed Addiction Counselors	\$72,168	\$72,221
02446	Board of Psychologists	\$79,498	\$79,544
02580	Board of Athletic Trainers	\$15,127	\$18,583
02679	Board of Massage Therapists	\$74,973	\$75,024
02764	Board of Private Adol. Res. Outdoor Programs	\$88,381	\$88,443
02767	Elevators Safety Program	\$202,057	\$204,754
02808	Board of Landscape Architects	\$31,493	\$31,509
02809	Board of Speech Pathologists	\$47,416	\$47,449
02810	Board of Radiologic Technologists	\$92,526	\$92,583
02811	Board of Clinical Lab Science Practitioners	\$59,869	\$59,905
02812	Board of Physical Therapists	\$94,203	\$94,260
02813	Board of Nursing Home Administrators	\$47,741	\$47,776
02814	Board of Hearing Aid Dispensers	\$44,855	\$44,884
02815	Board of Public Accountants	\$370,984	\$371,278
02816	Board of Sanitarians	\$24,631	\$24,642
02818	State Electrical Board	\$354,819	\$351,969
02819	Board of Realty Regulations	\$801,717	\$802,054
02820	Board of Architects	\$95,389	\$95,427
02821	Board of Funeral Services	\$93,423	\$93,470
02822	Board of Chiropractors	\$98,547	\$98,614
02823	Board of Professional Engineers & Land Surveyors	\$378,239	\$378,402
02824	Board of Medical Examiners	\$1,355,149	\$1,353,248
02826	Board of Cosmetologists & Barbers	\$613,421	\$613,689
02828	Board of Plumbers	\$281,505	\$281,628
02829	Board of Private Security Patrolmen	\$243,806	\$242,425
02830	Board of Dentistry	\$236,391	\$236,533
02831	Board of Optometrists	\$26,507	\$26,524
02832	Board of Pharmacy	\$867,721	\$838,460
02833	Board of Nursing	\$907,804	\$986,840
02834	Board of Veterinarians	\$103,971	\$104,133
02840	Board of Social Workers & Prof. Counselors	\$191,630	\$191,733
02852	Board of Alternative Health Care	\$63,244	\$63,277
02854	Board of Real Estate Appraisers	\$225,409	\$225,517
02855	Board of Respiratory Care	\$33,182	\$33,205
		\$9,733,024	\$9,788,221

Unlicensed Practice

The Department is required by statute (MCA 37-1-317) to investigate complaints or other information received regarding unlicensed practice.

The complaint goes to the full board in closed session for action. Board action is limited to:

- Cease and desist
- If cease and desist fails the department may go to court to seek an injunction, or
- refer matter to the county attorney for prosecution.

The Electrical Board and Plumbing Board have authority to cite and fine for failure to display a license or proof of licensure.

- These fines are deposited in the general fund.
- \$100 for first offense
- \$250 for 2nd offense
- \$500 for third or any subsequent offense

It is the licensees who are burdened with the costs associated with unlicensed practice complaints.