



Economic Affairs Interim Committee

65th Montana Legislature

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June 20, 2018

To: Economic Affairs Interim Committee Members
From: Jameson Walker, Legislative Attorney
Re: Updated Administrative Rule Report, June 2018

The Economic Affairs Interim Committee is responsible for reviewing administrative rules promulgated by several state agencies for compliance with the Montana Administrative Procedure Act (MAPA).¹ The following notices are filed with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> (search by notice number).

PROPOSAL NOTICES

Department of Commerce and administratively attached entities

There are no pending rules.

Department of Agriculture and administratively attached entities

There are no pending rules.

Department of Labor and Industry and administratively attached entities

MAR Notice Number: 24-225-40

Subject: Amendment, transfer, and repeal of rules pertaining to the Board of Veterinary Medicine.

Summary: The department proposes to amend 24.225.301 (definitions), 24.225.425 (nonroutine applications), 24.225.501 (temporary permits), 24.225.503 (veterinarian licenses), 24.225.504 (veterinarian examinations), 24.225.507 (licensure of out-of-state veterinarians), 24.225.511 (continuing education), and 24.225.513 (continuing education instructors). The amendments seek to provide consistency, simplicity, better organization, and ease of use for the reader. Other amendments seek to implement 37-1-101, which provides for processing of routine license

¹ The Committee reviews rules promulgated by the following entities: Department of Agriculture, Department of Commerce, Department of Labor and Industry, Department of Livestock, State Auditor's Office, Montana State Fund, Division of Banking & Financial Institutions, Governor's Office of Economic Development, and Department of Revenue, Liquor Control Division. This report does not represent any action or opinion of the Committee and does not preclude additional action that may be taken by the Committee pursuant to its authority under the Montana Administrative Procedure Act, Title 2, chapter 4, MCA.

applications on behalf of professional health and occupational licensing boards. The department seeks to transfer of 24.225.410 to 24.225.514 (record-keeping standards), 24.225.415 to 24.225.520 (management of infectious wastes), and 24.225.420 to 24.225.521 (inspection and sanitation). The department states that the transfers to provide consistency, simplicity, better organization, and ease of use for the reader. The department proposes to repeal 24.225.502 (occasional case exemption), stating that repealing the rule will better conform with statutory authority.

Notes/Hearing: The department held a public hearing on May 22, 2018.

MAR Notice Number: 24-121-16

Subject: Adoption and amendment of rules pertaining to the Board of Barbers and Cosmetologists.

Summary: The department proposes to amend 24.121.301 (definitions), 24.121.401 (fees), 24.121.406 (nonroutine applications), 24.121.407 (premises and general requirements), 24.121.603 (licensure by credentialing with an out-of-state license), 24.121.605 (application for postsecondary school licensure), 24.121.607 (application for instructor license), 24.121.808 (credited hours for Montana-licensed individuals in a cosmetology or barbering program), 24.121.1103 (instructor requirements - teacher-training programs), 24.121.1301 (salons/booth rental), 24.121.1509 (implements, instruments, supplies, and equipment), and 24.121.1511 (sanitizing and disinfecting implements and equipment). The department states that the rules are part of its periodic review of administrative rules. Amendments include streamlining licensure qualifications, including evaluation and documentation requirements. The amendment to 24.121.407 proposes to remove language that allows dogs to be permitted on the premises. The department proposes to eliminate language allowing dogs due to safety and sanitation concerns. The department proposes to adopt New Rule I relating to foreign-educated applicants.

Notes/Hearing: The department held a public hearing on June 4, 2018.

MAR Notice Number: 24-156-84

Subject: Amendment, adoption, and repeal of rules relating to the Board of Medical Examiners.

Summary: The department proposes to amend 24.156.601 (fee schedule), 24.156.606 (examination), 24.156.615 (renewals), 24.156.801 (purpose and authority), 24.156.802 (definitions), 24.156.1002 (fees), 24.156.1003 (ankle surgery certification), 24.156.1409 (accreditation, approval, and standards), 24.156.1618 (physician assistant fees), and 24.156.1621 (obligation to report to board). The amendments reduce the inactive license fees, amend rules to comport with the U.S. Medical License Examination, streamline renewal parameters to comport with standardized licensing procedures, revise references to comport with Senate Bill 77 from 2015, revise references to national certification programs, and recognize different accreditation for acupuncture. The department proposes to adopt New Rule I (medical assistant–delegation and supervision) and New Rule II (practice requirements for physicians using telemedicine) to comport with House Bill 476 from 2017 and Senate Bill 77 from 2015. The department proposes to the repeal of 24.156.640 (medical assistant) and 24.156.810 (effect of telemedicine license).

Notes/Hearing: The department held a public hearing on June 6, 2018.

MAR Notice Number: 24-159-85

Subject: Amendment, adoption, and repeal of rules pertaining to the Board of Nursing.

Summary: The department proposes to amend 24.159.501 (definitions). Specifically, the department proposes to provide new definitions for commission, compact, convert, deactivate, disqualifying event, independent credentials review agency, licensure, prior compact, and unencumbered license. The department proposes to adopt New Rule I (enhanced nurse licensure compact rules). The department proposes to repeal 24.159.504 (issuance of a license by a compact state), 24.159.507 (limitations on multistate licensure privilege - discipline), and 24.159.510 (information system). Generally, the department seeks to comply with Senate Bill 166 from the 2017 session.

Notes/Hearing: The department held a public hearing on June 5, 2018.

MAR Notice Number: 24-216-23

Subject: Amendment and repeal of rules relating to the Board of Sanitarians.

Summary: The department proposes to amend 24.216.402 (fee schedule), 24.216.503 (examination), 24.216.506 (sanitarian-in-training), 24.216.2102 (continuing education), 24.216.2104 (inactive status and conversion from inactive to active status), and 24.216.2301 (unprofessional conduct). The department is proposing to repeal examination and reexamination fees because the amendment to 24.216.503 will specify a national exam that charges fees. Other amendments reorganize the rules to address questions relating to training, supervising, and reporting requirements. The department proposes to repeal 24.216.401 (board meetings), 24.216.403 (seal of the board), 24.216.501 (applications), and 24.216.2101 (renewal). The department states that the rules are unnecessary.

Notes/Hearing: The department held a public hearing on June 6, 2018.

Department of Revenue, Liquor Control Division

MAR Notice Number: 42-2-994

Subject: Amendment of rules pertaining to the office of dispute resolution for liquor license protests and liquor matters.

Summary: The department proposes to amend 42.2.613 (definitions) and 42.2.621 (final agency decision and appeal). The department is proposing to update the definition of "liquor matters" and add a definition for "liquor license protests" to differentiate liquor matters in general from liquor licensing protests. Additional amendments correct language so that parties understand the appropriate appeal process. The department is also clarifying citations to statutory authority.

Notes/Hearing: The department held a public hearing on May 22, 2018.

Department of Livestock and administratively attached entities

There are no pending rules.

State Auditor's Office

MAR Notice Number: 6-244

Subject: Amendment of rules pertaining to annual audited financial reports and the National Association of Insurance Commissioners (NAIC).

Summary: The department proposes to amend 6.6.3504. The department proposes to update the rule to cite the 2018 NAIC Accounting Practices and Procedures Manual, reference the appropriate NAIC website, and provide statutory citations.

Notes/Hearing: The department does not anticipate the need for a public hearing.

Montana State Fund

There are no pending rules.

Division of Banking & Financial Institutions

There are no pending rules.

Governor's Office of Economic Development

There are no pending rules.

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