

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PROPOSED
of ARM 24.101.413 renewal dates and) AMENDMENT
requirements, and 24.156.615 renewals)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On February 16, 2007, the Department of Labor and Industry and the Board of Medical Examiners propose to amend the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Medical Examiners (board) no later than 5:00 p.m., on February 2, 2007, to advise us of the nature of the accommodation that you need. Please contact Jeannie Worsech, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsmed@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The department and the board are proposing to amend rules pertaining to licensure renewal frequency within one notice to reduce costs associated with rulemaking and to ensure the changes are effective prior to the next renewal cycle for physicians. Consolidating the board and department rule changes into one notice will avoid a conflict between department and board rules on renewal frequency.

The department and board determined there is reasonable necessity to amend ARM 24.101.413 and 24.156.615 to allow more time to accommodate internal administrative and technical constraints regarding online renewal of physician licenses and to align board and department rules regarding renewal frequency. In addition, a gender specific reference is being replaced with a gender neutral term.

4. The department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(q) remain the same.

(r)		Acupuncturist	Biennially	October 31
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Medical Examiners	Emergency Medical Technician	Biennially	March 31
	Nutritionist	Biennially	October 31
	Physician	Biennially <u>Annually</u>	March 31
	Physician Assistant	Biennially	October 31
	Podiatrist	Biennially	October 31
	Telemedicine Practitioners	Biennially	March 31

(s) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

5. The board is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.156.615 RENEWALS (1) remains the same.

(2) Beginning with the ~~2007~~ 2008 renewal cycle, one-half of the licensees will renew for a period of one year.

(a) through (4) remain the same.

(5) A physician with a permanent license not engaged in the practice of medicine and who has retired from practice may renew his ~~his~~ this license as an inactive-retired licensee and pay the fee listed in ARM 24.156.601. A retired license may not be reactivated. The individual must reapply for a new original license.

(6) remains the same.

AUTH: 37-1-134, 37-1-141, 37-3-203, MCA

IMP: 37-1-134, 37-1-141, 37-3-313, MCA

6. Concerned persons may submit their data, views, or arguments concerning the proposed rules in writing to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsmed@mt.gov, to be received no later than 5:00 p.m., February 9, 2007.

7. If persons who are directly affected by the proposed amendments wish to express their data, views, and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsmed@mt.gov. The comments must be received no later than February 9, 2007.

8. If the Board of Medical Examiners or the Department of Labor and Industry receives requests for a public hearing on the proposed amendments from either

10% or 25, whichever is less, of the persons who are directly affected by the proposed amendments; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 403 persons based on the number of physicians currently licensed in Montana.

9. An electronic copy of this Notice is available through the department and board's site on the World Wide Web at www.medicalboard.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

10. The board and the department maintain a list of interested persons who wish to receive notices of rulemaking actions proposed by the board or the department. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Medical Examiners or department administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsmed@mt.gov, or made by completing a request form at any rules hearing held by the agency.

11. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF MEDICAL EXAMINERS
MICHAEL D. LAPAN, DPM, PRESIDENT

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 2, 2007