

BEFORE THE BOARD OF PUBLIC ACCOUNTANTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the)
amendment of ARM 8.54.422,)
8.54.423, 8.54.702, 8.54.703,)
8.54.901, 8.54.902, 8.54.903,)
8.54.904, 8.54.905 and 8.54.906)
regarding examinations and)
professional quality monitoring;))
the adoption of NEW RULE I;)
and the repeal of ARM 8.54.706)
related to composition of the)
screening panel)

TO: All Concerned Persons

1. On September 23, 2004, the Board of Public Accountants published MAR Notice No. 8-54-40 regarding the public hearing on the proposed amendment, adoption and repeal of the above-stated rules relating to examinations, monitoring and composition of the screening panel at page 2142 of the 2004 Montana Administrative Register, issue no. 18.

2. A public hearing on the proposed rule action was held on October 15, 2004. No members of the public attended, but the Board received written comments. The Board summarizes those comments and responds as follows:

Comment 1: A commenter suggested that in ARM 8.54.904(3) the terms "deleted" or "omitted" would be clearer than the term "redacted."

Response 1: The Board agrees that the term "deleted" is a more common term than the legal term "redacted", and has amended the rule accordingly. It is the intent of the Board that the identifying information be obscured, whether by obliterating using a heavy marker, covering with correction tape, the use of "white out" fluid, or some equally effective technique that hides or obscures the identifying information.

Comment 2: A commenter expressed support for the proposed rule changes.

Response 2: The Board acknowledges the comment.

3. After considering the comments, the Board amended ARM 8.54.422, 8.54.423, 8.54.702, 8.54.703, 8.54.901, 8.54.902, 8.54.903, 8.54.905, and 8.54.906 exactly as proposed.

4. After considering the comments, the Board amends ARM 8.54.904 as proposed but with the following changes, stricken matter interlined, new matter underlined:

8.54.904 FILING OF REPORTS (1) and (2) remain as proposed.

(3) The report submitted must have been issued within the period of time specified by the board. For reports submitted pursuant to (1)(c), the client's or employer's name and similar identifying information must be ~~redacted~~ deleted.

(4) remains as proposed.

AUTH: 37-50-203, MCA

IMP: 37-50-203, MCA

5. After considering the comments, the Board adopts NEW RULE I (ARM 8.54.427) exactly as proposed.

6. After considering the comments, the Board repeals ARM 8.54.706 exactly as proposed.

BOARD OF PUBLIC ACCOUNTANTS
GARY KASPER, LPA, CHAIR

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader,
Alternate Rule Reviewer

Certified to the Secretary of State November 22, 2004