BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY,
BOARD OF ALTERNATIVE HEALTH CARE, BOARD OF ARCHITECTS, BOARD OF ATHLETICS, BOARD OF BARBERS AND COSMETOLOGISTS, BOARD OF CHIROPRACTORS, BOARD OF CLINICAL LABORATORY SCIENCE PRACTITIONERS, BOARD OF DENTISTRY, STATE ELECTRICAL BOARD, BOARD OF FUNERAL SERVICE, BOARD OF HEARING AID DISPENSERS, BOARD OF MEDICAL EXAMINERS, BOARD OF NURSING, BOARD OF NURSING HOME ADMINISTRATORS, BOARD OF OCCUPATIONAL THERAPY PRACTICE, BOARD OF OPTOMETRY, BOARD OF OUTFITTERS, BOARD OF PHARMACY, BOARD OF PHYSICAL THERAPY EXAMINERS, BOARD OF PLUMBERS, BOARD OF PRIVATE SECURITY PATROL OFFICERS AND INVESTIGATORS, BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, BOARD OF PSYCHOLOGISTS, BOARD OF PUBLIC ACCOUNTANTS, BOARD OF RADIOLOGIC TECHNOLOGISTS, BOARD OF REAL ESTATE APPRAISERS, BOARD OF REALTY REGULATION, BOARD OF RESPIRATORY CARE PRACTITIONERS, BOARD OF SANITARIANS, BOARD OF SOCIAL WORK EXAMINERS AND PROFESSIONAL COUNSELORS, BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, BOARD OF VETERINARY MEDICINE, BOILER OPERATING ENGINEERS PROGRAM, CONSTRUCTION BLASTERS PROGRAM, CRANE AND HOISTING OPERATING ENGINEERS PROGRAM, FIRE PREVENTION AND FIREWORKS WHOLESALERS PROGRAM, AND LICENSED ADDICTION COUNSELORS PROGRAM
OF THE STATE OF MONTANA

In the matter of the proposed transfer and amendment of ARM 8.2.208, adoption of NEW RULES I through XIV, amendment of ARM 8.11.101, 8.11.114, 8.11.115, 8.11.118, 8.32.306, 8.32.402, 8.32.410, 8.32.411, 8.32.425, 8.32.426, 8.32.1501, 8.32.1509, 8.32.1510, 24.111.401, 24.111.2101, 24.111.2102, 24.111.2103, 24.111.2301, 24.114.401, 24.114.406, 24.114.2101, 24.117.402, 24.117.406, 24.121.401, 24.121.603, 24.121.609, 24.121.2101, 24.122.401, 24.122.515, 24.126.401, 24.126.2101, 24.129.401, 24.129.602, 24.129.610, 24.131.405, 24.131.501, 24.135.402, 24.135.2101, 24.138.301, 24.138.402, 24.138.517, 24.138.518, 24.138.530, 24.141.405, 24.141.2101, 24.141.2102, 24.144.404, 24.144.502, 24.144.2102, 24.147.401, 24.147.505, 24.147.1313, 24.150.301, 24.150.401, 24.150.505, 24.150.2101, 24.150.2201, 24.156.601, 24.156.615, 24.156.617, 24.156.805, 24.156.808, 24.156.1002, 24.156.1004, 24.156.1302, 24.156.1305, 24.156.1402, 24.156.1411, 24.156.1605, 24.156.2717, 24.156.2719, 24.156.2731, 24.162.420, 24.162.2101, 24.165.401, 24.165.407, 24.168.401, 24.168.2101, 24.171.401, 24.171.2101,	NOTICE OF PUBLIC HEARING ON PROPOSED TRANSFER AND AMENDMENT, ADOPTION, AMENDMENT, AND REPEAL

24.174.401, 24.174.1402, 24.174.2103, 24.174.2107,)
24.177.401, 24.177.410, 24.177.504, 24.177.2101,)
24.180.401, 24.180.410, 24.180.607, 24.180.707,)
24.180.2101, 24.182.401, 24.182.511, 24.182.513,)
24.183.404, 24.183.2101, 24.183.2103, 24.189.401,)
24.189.407, 24.189.2107, 24.201.410, 24.201.2101,)
24.204.401, 24.204.404, 24.204.2102, 24.207.401,)
24.207.517, 24.207.2101, 24.210.401, 24.210.635,)
24.210.661, 24.210.667, 24.210.801, 24.210.825,)
24.210.835, 24.210.836, 24.210.1020, 24.213.401,)
24.213.403, 24.213.412, 24.213.2121, 24.216.402,)
24.216.2101, 24.219.401, 24.219.405, 24.219.615,)
24.222.401, 24.222.2102, 24.225.401, 24.225.510,)
24.225.511, 24.225.515, 24.225.550, 24.225.709,)
24.225.750, and 24.225.925, and REPEAL of)
24.121.609, 24.156.602, 24.183.2104, and)
24.225.515)

TO: All Concerned Persons

1. On March 20, 2006, at 10:00 a.m., a public hearing will be held in room 489, Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed transfer and amendment, adoption, amendment, and repeal of the above-stated rules. ARM 8.2.208 which pertains to renewal dates and requirements is proposed to be transferred and amended. The proposed new rules pertain to purpose, definitions, fees, licensing, renewal notification, and renewed, lapsed, expired or terminated licenses. The proposed amendments generally pertain to fees, renewals, continuing education, licensing requirements, unprofessional conduct, duplicate or lost licenses, definitions, examinations, prescriptive authority, trainees, inactive status, out-of-state applicants, temporary licenses or practice permits, reinstatement, expired or lapsed license, requirements, lists, abatement of fee rules, and training programs. The rules proposed to be repealed pertain to lapsed licenses, nonrefundable fees, expired certificate - renewal of grace period, and forfeiture of license and restoration.

2. The Department of Labor and Industry (Department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Business Standards Division (Division) no later than 5:00 p.m. on March 13, 2006, to advise us of the nature of the accommodation that you need. Please contact Kathy Lubke, Business Standards Division, 301 South Park, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2349; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail klubke@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: Montana's 59th Legislature enacted House Bill (HB) 182 (Chapter 467, L. 2005) that became

effective July 1, 2005. This legislation generally revised and consolidated professional and occupational licensing laws; provided distinction between Department and Board or Program duties regarding licensure, examination, and fees; required standardization of forms; set uniform standards for license renewal, including renewal periods; removed specific Board or Program references if duties are assigned to the Department or provided generally to all Boards; and repealed certain Board-specific or Program-specific references to licensure, examinations, and fees.

This rulemaking notice serves to implement the major changes created by this legislation. The Department has determined that in order to implement these major provisions of HB 182, it is most efficient, cost effective and timely, and will ensure consistency among rules to adopt one notice with changes impacting all Boards and Programs.

Amendments in this notice serve to reduce duplication throughout the rules by putting information that is applicable to all Boards and Programs into Division rules instead of listing them within the rules of each individual Board or Program. The basic functions of all Division licensing entities are the same, therefore the general rules of these entities should be similar. Having rules applicable to the Division provides standardization and consistency among licensing entities. Logically, with standardization and consistency as a goal, the impacted rules should all be dealt with at the same time.

The Department has determined that it is reasonable and necessary to transfer and amend ARM 8.2.208 as the first piece of implementing HB 182. Chapter 483, L. 2001, transferred Professional and Occupational Licensing from the Department of Commerce (Title 8) to the Department of Labor and Industry (Title 24). Transferring ARM 8.2.208 into Title 24 will aid users in locating the current renewal dates for all Division licensing Boards and Programs. The rule is being amended to change the format from a paragraph style into a more user friendly table format. This format allows for ease in locating the license type, renewal frequency and renewal date. This transfer and amendment is being completed at this time along with changing other renewal date references in individual Board and Program rules, to ensure that all Board and Program license renewal dates are set by department rule as specified in 37-1-141, MCA. Amending individual rules to eliminate specific renewal dates or the reference to the duration of the license will eliminate the need to amend various rules if the renewal date or frequency should change. Removing these references from numerous rules eliminates the possibility of having conflicting dates and timeframes between rules. Also, this consolidated rule creates standardization and consistency among Division licensing entities.

Board and Program fee rules are being amended at this time to remove various fees from individual Board and Program rules. The Department has determined there are numerous common services provided by most Boards and Programs. The fees vary greatly, and part of the directive of HB 182 is to standardize fees for administrative services such as license verification, duplicate licenses, late penalty renewals, and

licensee lists. These administrative type services are being removed from individual Board and Program rules and consolidated into a Division rule (NEW RULE III) applicable to all Boards and Programs. By having standardized fees applicable for the same services, the fee discrepancy between various Boards and Programs is eliminated. With the creation of the Division licensee database, the cost of providing duplicate licenses, license verification, and licensee lists is no longer variable between licensing entities. The costs associated with providing these services are now the same among licensing entities. All licensees will be charged the same amount for the same service. Amending all Board and Program fee rules through the same notice treats all licensees equitably by charging the same fees for all licensees at the same time. A reference to the standardized fee rule is included in each Board or Program fee rule to make rule users aware that there are other fees that may be charged for services provided by the Division.

Other common amendments deal with terminology changes. HB 182 has defined three terms in conjunction with license renewal. Expired, lapsed, and terminated licenses are now defined in statute. These terms have been used within the existing rules. However, the context may not be consistent with the new statutory definition. It is reasonable and necessary to amend the rules to use terms consistently between the statutes and rules, to avoid potential areas of confusion, and to provide clarity.

Generally, it is also reasonable and necessary to amend authority and implementing citations to reflect changes implementing HB 182 that impact rulemaking authority and the sections being implemented by statute changes. The most common changes to the authority and implementing citations are to remove references to statutes that have been repealed, to add 37-1-134 and 37-1-141, MCA, to fee rule authority and implementing cites as needed, and to add 37-1-141, MCA, to renewal rules as necessary.

Repealed MCA cites are being removed as rules are amended to reflect the laws that are in effect at the time of the amendment.

Section 37-1-134, MCA, provides for establishing standardized fees, therefore it is included as an authorizing and implementing statute in the fee rules. Section 37-1-141, MCA, provides for assessing a late penalty fee, therefore this statute has been added as an implementing cite. Also it is reasonable and necessary to amend fee rules to indicate the Division is removing the hyphen in "non-refundable". This change is being made to make the word consistent throughout the Division's rules, and to follow the MCA and standard usage of the word nonrefundable.

In each renewal rule, reference is made to a common renewal date rule (ARM 8.2.208) and two proposed new Division rules (NEW RULES V and VI). Section 37-1-141, MCA, was amended to require that the renewal date for a license be set by Department rule and states the requirements for license renewal. Instead of repeating this standard language in each renewal rule, references to Division rules have been included. This coincides with the intent of the legislation to create uniform standards for license renewals, and revising notification periods. It is

therefore appropriate to include 37-1-141, MCA, as authority and implementing citations.

Also, language suggesting that renewal forms would be sent to licensees is to be deleted, and a generic reference that renewal notices would be sent as specified in NEW RULE V was inserted. This wording change is proposed to indicate that renewal forms may not always be sent, but licensees will be notified of the deadline to renew their license. With the increased use of the Department's online renewal service, it may no longer be necessary to send renewal forms. Renewal forms may be downloaded from the online renewal service if it is necessary to complete a paper copy of the renewal form instead of using the online renewal service. The renewal notice would also state that renewal forms are available upon request.

Rule catchphrases are being amended as appropriate in order to standardize the catchphrase. References to the renewal frequency are being eliminated in order to prevent the need for future amendment to specific rules if the renewal frequency is modified. The standard renewal date rule, ARM 8.2.208, would be the only rule that would need to be amended to indicate the renewal date or frequency change. By eliminating this duplication within numerous rules, it eliminates the possibility of conflicting information between rules, decreases the need for numerous rule amendments thereby creating less regulation and more efficiency.

4. The rule proposed to be amended and transferred provides as follows, deleted matter interlined, new matter underlined:

8.2.208 (24.101.413) RENEWAL DATES AND REQUIREMENTS

(1) Specific procedures and grace periods for renewal are set ~~forth~~ by department or board rule, or statute applicable to a particular profession, or 37-1-141, MCA. Such procedures shall take account of, and be based upon, the renewal dates ~~set forth~~ in this rule. An existing license ~~expires~~ ends on the renewal date ~~set forth~~ specified for each profession and occupation listed and must be renewed on or before this date.

(2) If a timely and sufficient application is submitted on or prior to such date, the applicant's continued practice is governed under 2-4-631, MCA. In order for an application to be timely and sufficient it must be:~~,~~

(a) ~~it must be~~ completed with truthful information;

(b) accompanied by other required information or documentation as applicable;

(c) accompanied by the appropriate fee; and

(d) submitted so that it bears a U.S. Postal Service post mark prior to or on the renewal date for the applicable profession; or

(e) submitted by using the online renewal service available on the department's website. Although the department strives to keep its website accessible at all times, licensees should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing the online renewal service do not excuse late renewals;

(i) online renewal transactions must be fully completed prior to midnight Mountain time on the renewal date.

(3) If the requirements of this rule are not met, a late penalty fee as specified in [NEW RULE III] will be required in order to renew.

(4) The provisions of [NEW RULES V and VI] are applicable to all license renewals.

~~(2)~~ (5) The following are renewal dates for the professions and occupations listed:

~~(a) January 1 is the renewal date for licenses and other authorities granted by the boards of nursing home administrators and psychologists;~~

~~(b) February 1 is the renewal date for licenses and other authorities granted by the boards of radiological technologists and speech-language pathologists and audiologists;~~

~~(c) March 1 is the renewal date for licenses and other authorities granted by the board of dentistry;~~

~~(d) March 31 is the renewal date for licenses and other authorities granted by the boards of barbers, medical examiners and real estate appraisers;~~

~~(e) April 1 is the renewal date for licenses and other authorities granted by the board of physical therapy examiners, and is the renewal date for guides and professional guides (regulated by the board of outfitters);~~

~~(f) April 30 is the renewal date for licenses and other authorities granted by the board of alternative health care;~~

~~(g) May 1 is the renewal date for licenses and other authorities granted by the boards of respiratory care practitioners and clinical laboratory science practitioners;~~

~~(h) June 15 is the renewal date for licenses and other authorities granted by the board of occupational therapy practice;~~

~~(i) June 30 is the renewal date for licenses and other authorities granted by the boards of hearing aid dispensers, landscape architects, professional engineers and land surveyors (every even-numbered year), pharmacists and sanitarians;~~

~~(j) July 1 is the renewal date for licenses and other authorities granted by the boards of architects, funeral service, and is the renewal date for salons and booth rentals (regulated by the board of cosmetologists);~~

~~(k) July 2 is the renewal date for licenses and other authorities granted by the board of optometry;~~

~~(l) July 15 is the renewal date for licenses and other authorities granted by the state electrical board (every third year with the first renewal coming due on July 15, 1997);~~

~~(m) September 1 is the renewal date for licenses and other authorities granted by the boards of plumbers and chiropractors;~~

~~(n) October 31 is the renewal date for physician assistants-certified, nutritionists, acupuncturists and podiatrists (regulated by the board of medical examiners);~~

~~(o) November 1 is the renewal date for licenses and other authorities granted by the board of veterinary medicine;~~

~~(p) November 30 is the renewal date for pharmacy technicians, wholesale drug distributors, mail order pharmacies, certified pharmacies and dangerous drug act (regulated by the board of pharmacy);~~

~~(q) December 1 is the renewal date for licenses and other authorities granted by the board of private security patrol officers and investigators;~~

~~(r) December 31 is the renewal date for licenses and other authorities granted by the boards of nursing, public accountants, realty regulation, social work examiners and professional counselors, and is the renewal date for outfitters (regulated by the board of outfitters), property managers (regulated by the board of realty regulation), and cosmetology, manicuring, electrology and esthetic schools and cosmetologists, manicurists, electrologists, estheticians and instructors (regulated by the board of cosmetologists).~~

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(a)	Alternative Health Care	Naturopathic Physician	Annually	April 30
		Naturopathic Physician - Childbirth	Annually	April 30
		Direct-entry Midwife	Annually	April 30
		Direct-entry Midwife Apprentice	Annually	April 30
(b)	Architects	Architects	Biennially, Even Numbered Years	June 30
(c)	Athletics	Boxer, Club	Nonrenewable, must reapply. License expires June 30.	
		Boxer, Professional	Nonrenewable, must reapply. License expires June 30.	
		Boxer, Semi-Professional	Nonrenewable, must reapply. License expires June 30.	
		Cornerperson/Second	Nonrenewable, must reapply. License expires June 30.	
		Judge	Nonrenewable, must reapply. License expires June 30.	
		Kickboxer	Nonrenewable, must reapply. License expires June 30.	
		Knockdown Judge	Nonrenewable, must reapply. License expires June 30.	
		Manager/Trainer	Nonrenewable, must reapply. License expires June 30.	
		Minimum Kicking Requirements Official	Nonrenewable, must reapply. License expires June 30.	

		Promoter/Matchmaker	Nonrenewable, must reapply. License expires June 30.	
		Referee	Nonrenewable, must reapply. License expires June 30.	
		Wrestler, Professional	Nonrenewable, must reapply. License expires June 30.	
		Wrestler, Semi-Professional	Nonrenewable, must reapply. License expires June 30.	
(d)	Athlete Agents	Athlete Agents	Biennially	Anniversary Date of Certificate
(e)	Barbers and Cosmetologists	Barber	Biennially	December 31
		Barber Shop	Annually	July 1
		Barber School or College	Annually	December 31
		Barbering Instructor	Biennially	December 31
		Booth Rental	Annually	July 1
		Cosmetologist	Biennially	December 31
		Electrologist	Biennially	December 31
		Esthetician	Biennially	December 31
		Instructor	Biennially	December 31
		Manicurist	Biennially	December 31
		Salon	Annually	July 1
		School or Course	Annually	December 31
(f)	Boiler Operating Engineers	Agriculture Class Boiler Engineer	Annually	Anniversary Date of License
		First Class Boiler Engineer	Annually	Anniversary Date of License
		Low Pressure Boiler Engineer	Annually	Anniversary Date of License

		Second Class Boiler Engineer	Annually	Anniversary Date of License
		Third Class Boiler Engineer	Annually	Anniversary Date of License
		Traction Boiler Engineer	Annually	Anniversary Date of License
(g)	Chiropractors	Chiropractors	Annually	September 1
(h)	Clinical Laboratory Science Practitioners	Clinical Laboratory Scientist	Annually	May 1
		Clinical Laboratory Specialist	Annually	May 1
		Clinical Laboratory Technician	Annually	May 1
(i)	Construction Blasters	Construction Blasters	Annually	January 1
(j)	Crane and Hoisting Operating Engineers	First Class Crane Operators	Annually	Anniversary Date of License
		Second Class Crane Operators	Annually	Anniversary Date of License
		Third Class Crane Oiler	Annually	Anniversary Date of License
(k)	Dentistry	Dental Hygienist	Annually	March 1
		Dentist	Annually	March 1
		Denturist	Annually	March 1
		General Anesthesia Administration Permit	Annually	March 1
		Volunteer Licensees	Annually	March 1
(l)	Elevator Program	Contractor	Annually	April 1
		Inspector	Annually	April 1
		Mechanic	Annually	April 1
(m)	Fire Prevention and	Company Hiring Entity (Sell, Install and Service)	Annually	May 31

	Investigation and Fireworks Wholesalers Program	Individual Endorsement (Sell, Install and Service)	Annually	May 31
		Fireworks Wholesaler	Nonrenewable	
(n)	Funeral Service	Crematory	Annually	July 1
		Crematory Operator	Annually	July 1
		Crematory Technician	Annually	July 1
		Mortician	Annually	July 1
		Mortuary	Annually	July 1
		Mortuary Branch Facility	Annually	July 1
(o)	Hearing Aid Dispenser	Hearing Aid Dispenser	Annually	June 30
(p)	Landscape Architects	Landscape Architects	Annually	June 30
(q)	Licensed Addiction Counselors	Licensed Addiction Counselor	Biennially	June 30
(r)	Medical Examiners	Acupuncturist	Biennially	October 31
		Emergency Medical Technician	Biennially	March 31
		Nutritionist	Biennially	October 31
		Physician	Biennially	March 31
		Physician Assistant	Biennially	October 31
		Podiatrist	Biennially	October 31
		Telemedicine Practitioners	Biennially	March 31
(s)	Nursing	Clinical Nurse Specialist	Biennially, Even Numbered Years	December 31
		Nurse Anesthetist	Biennially, Even Numbered Years	December 31
		Nurse Midwife	Biennially, Even Numbered Years	December 31
		Nurse Practitioner	Biennially, Even Numbered Years	December 31

		APRN Prescriptive Authority	Biennially, Even Numbered Years	December 31
		Practical Nurse - Licensed	Biennially, Even Numbered Years	December 31
		Professional Nurse - Registered	Biennially, Even Numbered Years	December 31
		Medication Aide	Annually	March 31
(t)	Nursing Home Administrators	Nursing Home Administrator	Annually	December 31
(u)	Occupational Therapy Practice	Occupational Therapist	Annually	June 15
		Occupational Therapist Assistant	Annually	June 15
(v)	Optometry	Optometrist	Annually	July 2
(w)	Outfitters	Outfitter	Annually	December 31
(x)	Pharmacy	Dangerous Drug License	Annually	November 30
		Mail Order Pharmacy	Annually	November 30
		Pharmacist	Annually	June 30
		Pharmacy	Annually	November 30
		Pharmacy Technician	Annually	June 30
		Pharmacy Technician in Training	Nonrenewable	
		Pharmacy Technician Utilization Plan	Annually	November 30
		Telepharmacies	Annually	November 30
		Wholesale Drug Distributor	Annually	November 30
(y)	Physical Therapy Examiners	Physical Therapist	Annually	April 1
		Physical Therapist Assistant	Annually	April 1
(z)	Plumbers	Journeyman Plumber	Annually	September 1
		Master Plumber	Annually	September 1
		Medical Gas Endorsement	Annually	September 1

(aa)	Private Security Patrol Officers and Investigators	Contract Security Company	Annually	March 1
		Electronic Security Company	Annually	March 1
		Proprietary Security Organization	Annually	March 1
		Branch Office	Annually	March 1
		Private Investigator	Annually	March 1
		Private Investigator Trainee	Annually	March 1
		Resident Manager	Annually	March 1
		Qualifying Agent	Annually	March 1
		Security Guard	Annually	March 1
		Alarm Installer	Annually	March 1
		Alarm Response Runner	Annually	March 1
		Firearms Instructor	Annually	March 1
		Armed Status	Annually	
(ab)	Professional Engineers and Professional Land Surveyors	Certificate of Authority	Biennially, Even Numbered Years	June 30
		Emeritus Status		
		Engineer Intern	Indefinite	
		Land Surveyor Intern	None, Indefinite	
		Professional Engineer	Biennially, Even Numbered Years	June 30
		Professional Engineer by Comity	Biennially, Even Numbered Years	June 30
		Professional Land Surveyor	Biennially, Even Numbered Years	June 30
		Professional Land Surveyor by Comity	Biennially, Even Numbered Years	June 30
(ac)	Psychologists	Psychologist	Annually	December 31
(ad)	Public Accountants	Certified Public Accountant	Annually	December 31

		Licensed Public Accountant	Annually	December 31
(ae)	Radiologic Technologists	Limited Permit X-Ray Procedures	Annually	February 1
		Radiologic Technologists	Annually	February 1
(af)	Real Estate Appraisers	General Appraiser, Certified	Annually	March 31
		General Appraiser, Certified (Out-of-State)	Annually	March 31
		Licensed Appraiser	Annually	March 31
		Mentor		
		Residential Appraiser, Certified	Annually	March 31
		Residential Appraiser, Certified (Out-of-State)	Annually	March 31
		Trainee	Annually	March 31
(ag)	Realty Regulation	Property Manager	Annually	October 31
		Real Estate Broker	Biennially, Odd Numbered Years	October 31
		Real Estate Salesperson	Biennially, Odd Numbered Years	October 31
		Timeshare Broker	Annually	October 31
		Timeshare Salesperson	Annually	October 31
		Timeshare Offering	Annually	Anniversary Date of License
(ah)	Respiratory Care Practitioners	Respiratory Care Practitioners	Biennially, Even Numbered Years	May 1
(ai)	Sanitarians	Sanitarians	Annually	June 30
(aj)	Social Workers and Professional Counselors	Professional Counselor - Clinical	Annually	December 31
		Social Worker - Clinical	Annually	December 31

(ak)	Speech-Language Pathologists and Audiologists	Audiologist	Annually	February 1
		Audiologist Aide*	Annually* Aides are not license type and do not renew, but must be registered by supervising licensee.	October 31
		Speech-Language Pathologist	Annually	February 1
		Speech-Language Pathologist Aide*	Annually* Aides are not license type and do not renew, but must be registered by supervising licensee.	October 31
		Active Temporary Speech Pathologist or Audiologist	Nonrenewable Two-year license	
(al)	State Electrical Board	Electrical Contractor	Nonrenewable, must reapply. License expires July 15.	
		Journeyman Electrician	Biennially, Even Numbered Years	July 15
		Master Electrician	Biennially, Even Numbered Years	July 15
		Residential Electrician	Biennially, Even Numbered Years	July 15
(am)	Veterinary Medicine	Euthanasia Agency	Annually	May 30
		Embryo Transfer Technician	Annually	November 1
		Euthanasia Technician	Annually	May 30
		Veterinarian	Annually	November 1

(6) The following are nonrenewable licenses:

(a) temporary licenses issued by a licensing entity unless that licensing entity's rules provide otherwise;

(b) fireworks wholesalers;

(c) real estate appraiser mentors;

(d) pharmacy technicians in training;

(e) active temporary speech pathologists and audiologists;

(f) land surveyor intern, engineer intern, emeritus status license issued by the Board of Professional Engineers and Professional Land Surveyors;

(g) all licenses issued by the Board of Athletics end on June 30 of each year and the licensee must reapply;

(h) guide and professional guide licenses issued by the Board of Outfitters end on December 31 of each year and the licensee must reapply; and

(i) electrical contractor licenses issued by the State Electrical Board end on July 15 biennially and the licensee must reapply.

(7) The specific date by which each individual licensee is required to renew by can be obtained by contacting the licensing entity's office or by using the licensee lookup system available on the department's website.

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

REASON: It is reasonable and necessary to amend this rule to identify the current renewal dates for professions and occupations licensed by the Division. It is also necessary to identify the duration of the license and the frequency of when a license needs to be renewed. This amendment and transfer will make information more readily accessible to licensees, Department staff and the public. The amendments also clarify what constitutes timely submission of renewal information. This provides clear direction to the licensee and describes the consequences for not renewing in a timely manner.

Also, it is reasonable to include (6) as a quick reference for those individuals who hold some sort of "license" which is unable to be renewed. This easily identifies those "license" holders that are mentioned within individual Board's or Program's rules who are accountable to the Board or Program, but whose license cannot be renewed. Section (7) is included to reassure licensees that there is help available if a licensee is unsure of the date to renew a specific license. See general statement of reasonable necessity for more detail.

5. The Division rules proposed to be adopted provide as follows:

NEW RULE I PURPOSE (1) The purpose of this subchapter is to standardize similar functions and processes within the division and administratively attached boards, including, but not limited to:

(a) setting standardized fees;

(b) standardizing forms;

(c) eliminating the need for a licensing board to issue routine licenses; and

(d) setting uniform standards for license renewal.

AUTH: 37-1-101, MCA
IMP: 37-1-101, 37-1-104, MCA

REASON: It is reasonable and necessary to promulgate this rule to provide users with a general overview of the subchapter contents. These rules are proposed in order to implement the changes enacted by HB 182.

NEW RULE II DEFINITIONS As used in conjunction with Title 37, MCA, the following definitions apply:

(1) "Active status" means the license holder is afforded the rights and privileges to practice under the license while complying with the requirements as set by the licensing entity.

(2) "Administrative fees" means a fee charged for products or services provided by the division.

(3) "Department" means the Department of Labor and Industry.

(4) "Disciplinary action" means the procedure by which unprofessional conduct is addressed by the licensing entity pursuant to the contested case hearing provisions of the Montana Administrative Procedure Act (MAPA).

(5) "Division" means the Business Standards Division of the Department of Labor and Industry.

(6) "Expired license" means a license for which the renewal requirements have not been met within 45 days to two years after the license renewal date. An expired license may be reactivated anytime within these two years.

(7) "Inactive status" means an option provided by some licensing entities in which a licensee may retain a license but the licensee does not intend to practice, nor will the licensee engage in licensed activities at any time during the duration of the inactive status license. The licensee may wish to reactivate the inactive status license in the future. An inactive license must be renewed as prescribed by the licensing entity.

(8) "Lapsed license" means a license that has not been renewed by the license renewal date. A lapsed license may be reactivated at anytime within 45 days following the license renewal date.

(9) "Late penalty fee" means the fee that is required to be paid by a licensee upon renewal of a license if the licensee failed to renew the license by the renewal date.

(10) "New original license" means a license issued to an individual whose previous original license terminated and was not reinstated. In order to receive a new original license, all current requirements for obtaining an original license must be met including, but not limited to, submitting required application materials, successfully passing the required examinations as applicable, and paying the appropriate fees. The new original license number will remain the same as the original license number.

(11) "Nonroutine application" means an application submitted to the division in which the application is defined as nonroutine either by the specific licensing

entity's rules or by these rules. In conflicts between the specific licensing entity's rules and these rules, the specific licensing entity's rules govern.

(a) A nonroutine application means that the applicant has one or more of the following:

(i) has pending or completed disciplinary action in this state, or pending or completed disciplinary action in another state, territory, or jurisdiction;

(ii) is restricted by the terms and conditions of a final order in a disciplinary matter;

(iii) is required to submit materials that require professional evaluation by another licensee or licensing entity; or

(iv) is foreign-educated, except for those foreign-educated applicants applying for licensure from the following:

(A) Board of Medical Examiners;

(B) Board of Professional Engineers and Professional Land Surveyors; or

(C) Board of Realty Regulation.

(12) "Probationary license" means a license, that due to discipline taken against the licensee, signifies the license holder is afforded the rights and privileges to practice under the license while complying with the terms and conditions of a final order as issued by the licensing entity.

(13) "Reactivated license" means a lapsed or expired license that is renewed between the renewal date and two years following the renewal date. In order to reactivate a license, all renewal requirements must be met.

(14) "Reactivation of license" means activating a lapsed or expired license.

(15) "Renewal date" means the date by which an existing license must be renewed as listed in ARM 8.2.208. Renewal information must be submitted on or before the renewal date in order for a license to be renewed without the assessment of the late penalty fee.

(16) "Routine application" means an application submitted to the division in which the application is defined as routine either by the specific licensing entity's rules or by these rules. In conflicts between the specific licensing entity's rules and these rules, the specific licensing entity's rules govern.

(a) A routine application means that the applicant does not have one or more of the following:

(i) pending or completed disciplinary action in this state, or pending or completed disciplinary action in another state, territory, or jurisdiction;

(ii) is not restricted by the terms and conditions of a final order in a disciplinary matter;

(iii) is not required to submit materials that require professional evaluation by another licensee or licensing entity; or

(iv) is not foreign-educated, except for those foreign-educated applicants applying for licensure from the following:

(A) Board of Medical Examiners;

(B) Board of Professional Engineers and Professional Land Surveyors; or

(C) Board of Realty Regulation.

(17) "Standardized fee" means an administrative fee for a common product or service that is charged to division customers.

(18) "Suspended license" means a license, that due to discipline taken against the licensee, signifies the license holder is no longer afforded the rights and privileges to practice under the license for a period of time specified by the final order issued by the licensing entity.

(19) "Terminated license" means a license that has not been renewed or reactivated within two years of the renewal deadline. A terminated license may not be reactivated.

AUTH: 37-1-101, MCA
IMP: 37-1-130, 37-1-131, 37-1-141, MCA

REASON: It is reasonable and necessary to promulgate this rule to indicate the context of words that are used throughout Division rules. The definition rule serves to clarify the meaning of frequently used words and provides consistent application throughout the rules.

Section 2-4-305(2), MCA, states "rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language in order to convey the meaning of a rule interpreting the language, the reference must clearly indicate the portion of the language that is statutory and the portion that is an amplification of the language." The terms "expire", "lapsed" and "terminated" have been defined in 37-1-130, MCA, as amended by HB 182, but are included in this notice for clarity. Usage of these terms throughout existing Board and Program rules may not be used in the same context as the new definitions. In order to ensure that the new meaning is conveyed to the licensees, it is necessary to include the substance of these statutory definitions in the rule.

NEW RULE III FEES (1) Standardized fees, in addition to those fees charged by a specific licensing entity are as follows:

(a) duplicate license	$ 5
(b) licensee lists or rosters	50
(c) photocopies per page (in excess of 20 pages)	.25
(d) certified copies per page (in excess of ten pages)	.50
(e) license history	20
(f) duplicate wall certificate	20
(g) returned check fee, including but not limited to, checks issued with nonsufficient funds, stop payment requests, or missing signatures	30
(h) license verification	20

(i) the license verification fee is waived for any licensing entity with a signed reciprocal agreement with another licensing entity and the licensing entities have agreed that no fees are to be charged;

(i) status change fee from inactive to active during the licensure period is the difference between the cost of an inactive license and an active license renewal fee;

(j) renewal fee for a suspended license is 50% of the renewal fee; and

(k) renewal fee for a probationary license is the same as the renewal fee.

(2) The late penalty fee for each renewal period a license has not been renewed shall be 100% of the renewal fee. The penalty fee is in addition to the renewal fee and must be paid for each renewal period that the license has not been renewed. If the license has not been renewed on or before the date set by ARM 8.2.208, the late penalty fee must be paid.

(a) In the event a renewal fee has been abated, the late penalty fee still applies. The late penalty fee that must be paid is 100% of the renewal fee that would have been charged had the renewal fee not been abated.

(3) When converting an inactive status license to an active status license, the difference between the inactive status fee and the active status fee must be paid for the remainder of the current renewal period.

(4) When a military reservist renews a professional or occupational license after being discharged from active duty, the renewal fee will be the current renewal fee. No past fees accrued while the reservist was on active duty will be charged.

(5) All fees are nonrefundable.

AUTH: 37-1-101, MCA
IMP: 27-1-717, 37-1-130, 37-1-134, 37-1-138, MCA

REASON: It is reasonable and necessary to create a fee rule designating standard fees for those services provided by most licensing entities of the Division. Specific fiscal impact statements are included in the reasonable necessity statement for individual Board or Program fee rules. See general reasons for more detail.

NEW RULE IV LICENSING (1) The department will issue all licenses to those routine applicants who meet the licensing requirements and pay the required fees.

(2) The department will issue all licenses as directed by the governing board to those nonroutine applicants who meet the licensing requirements and pay the required fees. A nonroutine applicant may be asked to appear before the board prior to the final board decision regarding the granting of a nonroutine license.

AUTH: 37-1-101, MCA
IMP: 37-1-101, 37-1-130, MCA

REASON: It is reasonable and necessary to promulgate this rule to identify that the Department will review and process all routine applications. It is no longer necessary for individual Boards to approve all license applications. This streamlines the application process, decreases the amount of time Boards spend reviewing and approving applications that do not vary from the standard application requirements. This time savings will benefit both Board members and the public by allowing the Board to focus on more significant issues.

Also, it is reasonable and necessary to identify that the Department will issue licenses to all nonroutine applicants as directed by the governing Board. This rule clarifies that the decision to issue a license to a nonroutine applicant is left to the discretion of the licensing Board regulating that specific profession or occupation.

NEW RULE V RENEWAL NOTIFICATION (1) The department shall send renewal notices to all licensees. Renewal notices shall be sent to the last known address in the division's records. It is the responsibility of the licensee to keep the division timely informed of the licensee's current mailing address. Failure to receive notice for renewal in no way releases the licensee from the obligation to renew in a timely manner, and shall not constitute a defense to practicing without a license.

AUTH: 37-1-101, 37-1-141, MCA
IMP: 37-1-101, 37-1-130, 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this rule to standardize the notification process for licensees. The process for sending renewal notices varied between licensing entities. This rule will provide equity by giving all licensees advance notice that their license needs to be renewed. See general reasons for more detail.

NEW RULE VI RENEWED, LAPSED, EXPIRED, OR TERMINATED LICENSES (1) All licenses must be renewed on or before the renewal date as listed in, and in accordance with ARM 8.2.208. Late renewals must be accompanied by the fees as specified in [NEW RULE III] and any other information required as if the renewal were submitted prior to the renewal date.

(a) A suspended license must be renewed in accordance with ARM 8.2.208 or the license will proceed to expire or terminate.

(2) If the license has not been renewed, the license shall be considered a lapsed, expired, or terminated license.

(a) A lapsed license may be reactivated within 45 days of the renewal date by submitting the required, completed renewal information and paying the required fees.

(b) Licenses not renewed within 45 days from the renewal date automatically expire. An expired license may be reactivated within two years of the renewal date by submitting the required, completed renewal information and paying the required fees.

(c) Licenses not renewed within two years from the renewal date automatically terminate. A terminated license may not be reactivated. A new original license must be obtained by completing the current requirements for a new application, including successfully passing the licensing examination if applicable.

(3) A licensee whose license has lapsed or expired, may not apply for a new license. A licensee must renew the license if it has lapsed or expired. All renewal requirements must be met and fees paid in order for a lapsed or expired license to be renewed. A new original license will be issued to a licensee whose license has terminated, provided all licensing requirements are met.

(4) A licensee who practices while a license is lapsed is not considered to be practicing without a license.

(5) A licensee who practices after a license has expired is considered to be practicing without a license and is subject to discipline provided by statute or rule.

(6) A former licensee who practices after a license is terminated is considered to be practicing without a license and is subject to cease and desist or a district court restraining order.

AUTH: 37-1-101, 37-1-141, MCA
IMP: 37-1-101, 37-1-130, 37-1-141, MCA

REASON: It is reasonable and necessary to adopt this rule to clarify the three variations in license status if a license is not renewed by the renewal date. This provides clear direction to the licensee and describes the consequences for not renewing in a timely manner. See general reasons for more detail.

6. Each Board or Program that is promulgating rules implementing changes from HB 182 follow. Board rules appear first, by Boards being listed in alphabetical order, followed by Program rules, with Programs being listed in alphabetical order. New, amended, and repealed rules are intermingled in this section instead of being lumped together by action type. This format is being used to keep all rule changes pertaining to a specific Board or Program together to aid licensees, the public, Board members and Department staff. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

Editorial note: The above paragraph 6. is included in the proposal notice. In order to better serve those on the interested persons list, only the information applicable to this interested persons list (i.e., specific Board or Program) is included in this notice. If you would to prefer the proposal notice in its entirety (which includes each Board's and Program's rules), please contact the specific Board or Program that sent you this abbreviated notice or see the Department's website at: http://www.mt.gov/dli/bsd/license/rules.asp.

PRIVATE SECURITY PATROL OFFICERS AND INVESTIGATORS

24.182.401 FEE SCHEDULE (1) through (1)(c) remain the same.
(d) Certified firearms instructor ~~(biannual)~~ 100
(e) through (2)(c) remain the same.
(d) Certified firearms instructor ~~(biannual)~~ 100
(e) remains the same.
~~(f) Late renewal~~ ~~50~~
(3) remains the same.
(a) ~~Duplicate license or photo~~ Photo ID card (original lost or destroyed) 10
(b) through (d) remain the same.
~~(e) License history/license verification~~ ~~15~~
(f) and (g) remain the same but are renumbered (e) and (f).
~~(h) Copies, per page~~ ~~.35~~
~~(i) Certified copies, per page~~ ~~.50~~
(j) remains the same but is renumbered (g).
(4) Additional standardized fees are specified in [NEW RULE III].

(4) remains the same but is renumbered (5).

AUTH: 37-1-134, 37-1-141, 37-60-202, MCA
IMP: 25-1-1104, 37-1-134, 37-1-141, 37-60-304, ~~37-60-312,~~ MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to amend this rule to remove the reference to biannual fees for certified firearms instructors. The rule inadvertently uses biannual (twice per year), when the intent is to collect the fee on an annual basis.

Based on fiscal year 2005, it is estimated that the creation of standardized fees will have the following impact:

(1) five contract security company licensees will pay the late penalty fee for a $250 increase in revenue;

(2) 40 security guard licensees will pay the late penalty fee for a $300 increase in revenue;

(3) ten alarm installer licensees will pay the late penalty fee for a $200 increase in revenue;

(4) ten private investigator licensees will pay the late penalty fee for a $500 increase in revenue;

(5) five resident manager licensees will pay the late penalty fee for a $225 increase in revenue;

(6) two qualifying agent licensees will pay the late penalty fee for a $50 increase in revenue;

(7) three certified firearms instructor licensees will pay the late penalty fee for a $300 increase in revenue; and

(8) 100 licensees will request license verifications or license histories for a $500 increase in revenue.

24.182.511 PRIVATE INVESTIGATOR TRAINEE (1) through (3) remain the same.

(4) Trainee licenses ~~expire annually~~ must be renewed as set forth in ARM 8.2.208.

(5) remains the same.

AUTH: 37-60-202, MCA
IMP: 37-60-202, MCA

REASON: See general statement of reasonable necessity.

24.182.513 ~~LICENSE~~ RENEWALS (1) ~~The board shall send each licensee, by mail to the licensee's last known address, an application for renewal, indicating the renewal fee, prior to expiration of license~~ Renewal notices will be sent as specified in [NEW RULE V].

(2) The renewal date is set by ARM 8.2.208.

(3) At renewal, the board may require applicants to submit one recent photograph showing full face, head, and shoulders of the applicant, with the application for renewal to be used for the current identification card.

~~(3)~~ (4) ~~Expired licenses may be renewed within 90 days of the renewal date, as shown in ARM 8.2.208, upon payment of the renewal fee and late fee. If more than 90 days have passed since expiration, to obtain a new license the applicant must:~~ The provisions of [NEW RULE VI] apply.

~~(a) submit a new application;~~

~~(b) take and pass the appropriate examination; and~~

~~(c) pay the required fees.~~

AUTH: 37-1-141, 37-60-202, MCA
IMP: 37-1-141, ~~37-60-312~~, MCA

REASON: See general statement of reasonable necessity. It is also reasonable and necessary to delete (3) because it conflicts with 37-1-141, MCA, as amended by HB 182.

BOARD OF PRIVATE SECURITY PATROL
OFFICERS AND INVESTIGATORS
LINDA SANEM, CHAIRPERSON

/s/ VIVIAN V. HAMMILL
Vivian V. Hammill
Rule Reviewer

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

7. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Kathy Lubke, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to DLIBSDHouseBill182@mt.gov, and must be received no later than 5:00 p.m., March 28, 2006.

8. An electronic copy of this Notice of Public Hearing is available through the Department's and Board's site on the World Wide Web at http://www.mt.gov/dli/bsd/license/rules.asp. 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 website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

9. The Division, and each Board and Program maintain a list of interested persons who wish to receive notices of rulemaking actions proposed by the Division, Board or Program. 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 Division, and/or which Board or Program administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to Kathy Lubke, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to klubke@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

10. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

11. Kathy Lubke, Administrative Rules Specialist, has been designated to preside over and conduct this hearing.

/s/ VIVIAN V. HAMMILL	/s/ KEITH KELLY
Vivian V. Hammill	Keith Kelly, Commissioner
Rule Reviewer	DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 13, 2006