

MONTANA ADMINISTRATIVE REGISTER

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MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 4

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-9009.

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BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 2.43.3502 pertaining to the)	AMENDMENT
Defined Contribution Retirement Plan)	
Investment Policy Statement and the)	NO PUBLIC HEARING
Montana Fixed Fund Investment)	CONTEMPLATED
Policy Statement and ARM 2.43.5102)	
pertaining to the 457(b) Deferred)	
Compensation Plan Investment)	
Policy Statement and the Montana)	
Fixed Fund Investment Policy)	
Statement)	

TO: All Concerned Persons

1. On May 1, 2021, the Public Employees' Retirement Board proposes to amend the above-stated rules.

2. The Public Employees' Retirement Board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Montana Public Employee Retirement Administration no later than 5:00 p.m. on March 22, 2021, to advise us of the nature of the accommodation that you need. Please contact Kris Vladic, Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-2578; fax (406) 444-5428; TDD (406) 444-1421; or e-mail kvladic@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

2.43.3502 ADOPTION OF INVESTMENT POLICY STATEMENT AND FIXED FUND INVESTMENT POLICY STATEMENT (1) The board adopts and incorporates by reference the State of Montana 401(a) Defined Contribution Plan Investment Policy Statement approved by the board on February ~~13, 2020~~ 11, 2021. The Investment Policy Statement provides investment guidelines for the defined contribution plan, a long-term retirement-savings vehicle that permits participants to invest employer and participant contributions on a tax-deferred basis. The investment guidelines help the board to meet its fiduciary responsibilities to evaluate and positively influence the direction of the plan and its investments for the benefit of the plan participants and beneficiaries.

(2) The board adopts and incorporates by reference the Montana Fixed Fund Investment Policy Statement approved by the board on ~~April 11, 2019~~ February 11, 2021. These guidelines apply to the investment of 401(a) defined contribution plan participant assets and 457(b) deferred compensation plan participant assets that are

pooled together in the plans' stable value group trust. The investment policy statement was developed through mutual agreement amongst the board, the investment manager, and the insurance wrap providers and provides guidance to the investment manager when investing participants' funds contained within the stable value group trust.

(3) remains the same.

AUTH: 19-3-2104, MCA

IMP: 19-3-2104, 19-3-2122, MCA

2.43.5102 ADOPTION OF INVESTMENT POLICY STATEMENT AND FIXED FUND INVESTMENT POLICY STATEMENT (1) The board adopts and incorporates by reference the State of Montana 457 Plan (deferred compensation) Investment Policy Statement approved by the board on ~~February 13, 2020~~ February 11, 2021. The Investment Policy Statement provides investment guidelines for the 457(b) deferred compensation plan, a supplemental retirement-savings vehicle that permits participants to invest on either a pre-tax or a tax-deferred basis. The investment guidelines help the board to meet its fiduciary responsibilities to evaluate and positively influence the direction of the plan and its investments for the benefit of the plan participants and beneficiaries.

(2) The board adopts and incorporates by reference the Montana Fixed Fund Investment Policy Statement approved by the board on ~~April 11, 2019~~ February 11, 2021. These guidelines apply to the investment of 401(a) defined contribution plan participant assets and 457(b) deferred compensation plan participant assets that are pooled together in the plans' stable value group trust. The investment policy statement was developed through mutual agreement amongst the board, the investment manager, and the insurance wrap providers and provides guidance to the investment manager when investing participants' funds contained within the stable value group trust.

(3) remains the same.

AUTH: 19-50-102, MCA

IMP: 19-50-102, MCA

REASON: The Public Employees' Retirement Board, as administrator of the Public Employees' Retirement System Defined Contribution Retirement Plan (DCRP) and the State of Montana's 457(b) Deferred Compensation Plan (457 Plan), adopted the two plans' original investment policy statements in 2002. The investment policy statements are reviewed on a yearly basis and amended to reflect best practices in defined contribution plan investments.

In addition, the board adopted the most recent version of the Montana Fixed Fund Investment Policy Statement on February 11, 2021, to apply to the investment of 401(a) defined contribution plan participant assets and 457(b) deferred compensation plan participant assets that are pooled together in the plans' stable value group trust. This investment policy statement is currently reviewed on a yearly basis and amended to reflect best practices in defined contribution plan investments.

Pursuant to the recommendation of the board's investment consultant, RVK, and the board's advisory committee, the Employee Investment Advisory Council, the board amended each of the above-referenced investment policy statements on February 11, 2021.

Because the board determined to adopt the original DCRP Investment Policy Statement, 457 Plan Investment Policy Statement, and Montana Fixed Fund Investment Policy Statement by reference, 2-4-307(4), MCA, requires that changes to each document also be adopted by reference. Therefore, it is necessary to amend the rules that adopt each investment policy statement to indicate the version being adopted by reference.

The investment policy statements are available on the board's web page at mpera.mt.gov.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana, 59620-0131; telephone (406) 444-3154; fax (406) 444-5428; or e-mail mpera@mt.gov, and must be received no later than 5:00 p.m., March 29, 2021.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or 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 Kris Vladic at the above address no later than 5:00 p.m., March 29, 2021.

6. If the Public Employees' Retirement Board receives requests for a public hearing on the proposed amendments from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed amendment; 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 directly affected has been determined to be 1,454 persons based on approximately 4,645 participants in the Defined Contribution Retirement Plan and 9,984 participants in the 457(b) Deferred Compensation Plan as of June 30, 2020, for a total of 14,359 participants.

7. The Public Employee Retirement Administration maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5

above or may be made by completing a request form at any rules hearing held by the Montana Public Employee Retirement Administration.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the Public Employees' Retirement Board has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ William Holahan
William Holahan
Chief Legal Counsel
and Rule Reviewer

/s/ Sheena Wilson
Sheena Wilson
President
Public Employees' Retirement Board

Certified to the Secretary of State February 16, 2021.

BEFORE THE BOARD OF INVESTMENTS
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 8.97.715, 8.97.716, and)	PROPOSED AMENDMENT,
8.97.718; the repeal of ARM)	REPEAL, TRANSFER, AND
8.97.717, 8.97.719, 8.97.1101,)	AMENDMENT AND TRANSFER
8.97.1502, 8.97.1601, 8.97.1701,)	
8.97.1702, 8.97.1706, 8.97.1708,)	
8.97.1709, 8.97.1801, 8.97.1802,)	
8.97.1803, 8.97.1804, 8.97.1805,)	
8.97.1901, 8.97.1902, and 8.97.1903;)	
the transfer of ARM 8.97.1201,)	
8.97.1704, and 8.97.1705; and the)	
amendment and transfer of ARM)	
8.97.1202 and 8.97.1703 related to)	
the Board of Investment rules)	
generally)	

TO: All Concerned Persons

1. On March 23, 2021, at 10:00 a.m., the Board of Investments will hold a public hearing via remote conferencing to consider the proposed amendment, repeal, transfer, and amendment and transfer of the above-stated rules. Interested persons may access the public hearing in the following ways:

(a) Join Zoom Meeting: [https://mt.gov.zoom.us/j/97986293794?pwd=S3RqMnYyM3BzZFVpSHIZSG1WUIVLUT09](https://mt.gov.zoom.us/j/97986293794?pwd=S3RqMnYyM3BzZFVpSHIZSG1WUIVLUT09;);
Meeting ID: 979 8629 3794;

(b) Dial by Telephone:
+1 406 444 9999 (Helena)
+1 206 337 9723 (Seattle)
+1 646 558 8656 (New York)
+1 213 338 8477 (Los Angeles),
Meeting ID: 979 8629 3794, Password: 453844.

2. The Board of Investments 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, please advise the board of the nature of the accommodation needed, no later than 5 p.m. on March 19, 2021. Please contact Dan Whyte, Chief Legal Counsel, Board of Investments, 2401 Colonial Drive, Third Floor, Helena, Montana 59601; telephone (406) 444-0587; fax (406) 449-6579; or dwhyte@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY. ARM Title 8, chapter 97 contains the board's administrative rules regarding the board's administration of the Unified Investment Program.

Based on the board's periodic review of its rules chapter and other related rules, the board observes that certain rules contain redundancies to statute, contain outdated programs, contain outdated definitions, text usage, or writing styles; and in some cases, do not reflect current board practices. The rule amendments in this proposal notice represent a general review of all board rules to eliminate duplicative or unnecessary rules and amend rules to reflect current statute or board practice.

The board proposes to amend ARM 8.97.715, 8.97.716, and 8.97.718 and to remove outdated definitions and terminology; and to update current statutory terminology.

The board further proposes to repeal ARM 8.97.717, 8.97.719, 8.97.1101, 8.97.1502, 8.97.1601, 8.97.1701, 8.97.1702, 8.97.1706, 8.97.1708, 8.97.1709, 8.97.1801, 8.97.1802, 8.97.1803, 8.97.1804, 8.97.1805, 8.97.1901, 8.97.1902, and 8.97.1903, to eliminate unnecessary redundancies to statute and redundancies found in the board's governing policies, to eliminate rules related to board programs that are no longer utilized, and to remove rules that repeat statutory provisions.

Some rules currently in limiting subchapters are intended to apply to all board operations. The board proposes to revise and transfer the content of five rules to apply to all board operations: ARM 8.97.1201, 8.97.1202, 8.97.1703, 8.97.1704, and 8.97.1705, into general provisions in ARM Title 8, chapter 97, subchapter 3.

While this general statement of reasonable necessity covers the basis for the following proposed rulemaking, it is supplemented below, where necessary, to explain rule-specific changes.

4. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

8.97.715 DEFINITIONS For the purposes of this subchapter, the following definitions apply:

~~(1) The definitions contained herein shall govern with respect to subchapters 7 and 9.~~

~~(2) As used in subchapters 7 and 9, and unless the context clearly requires another meaning:~~

~~(a) through (d) remain the same but are renumbered (1) through (4).~~

~~(e) "INTERCAP-EZ program" means the program described in ARM 8.97.913(2).~~

~~(f) and (g) remain the same but are renumbered (5) and (6).~~

~~(h) (7) "Program(s)" include, but are not limited to, the INTERCAP revolving loan program and other board programs developed pursuant to the Act.~~

~~(i) (8) "Reserve fund" means the Municipal Finance Consolidation Act reserve fund, as defined in 17-5-1604, MCA, and created by the board pursuant to 17-5-1630, MCA.~~

~~(j) remains the same but is renumbered (9).~~

AUTH: 17-5-1605, MCA

IMP: 17-5-1606, 17-5-1611, MCA

REASONABLE NECESSITY: In addition to the general statement of reasonable necessity provided above, the board proposes amending the language to strike the reference to INTERCAP-EZ because the program no longer exists and ARM 8.97.913 is repealed.

The board proposes to strike references to subchapter 9 for the reason that subchapter 9 was repealed in 2000.

The board proposes adding the phrase "revolving loan" in proposed (7) to clearly indicate the type of loan it is.

The board proposes clarifying amendments to proposed (8) to identify the statutory reference to the Municipal Finance Consolidation Act.

Generally, the purpose of ARM 8.97.715 is to define and refer to the INTERCAP program, a term not specifically used in statute.

8.97.716 SCOPE OF SUBCHAPTER 7 (1) This subchapter shall govern the submittal of and processing of applications to the board for financing and the purchase of obligations under the Act including, but not limited to, the INTERCAP revolving program ~~described in ARM 8.97.910 through 8.97.920.~~

AUTH: 17-5-1605, MCA

IMP: 17-5-1606, 17-5-1611, MCA

REASONABLE NECESSITY: The board proposes to strike references to subchapter 9 for the reason that subchapter 9 was repealed in 2000.

8.97.718 APPLICATION PROCEDURE (1) An eligible government unit may apply for financing under a program by submitting an application to the board on a form provided by the board. The form shall elicit sufficient information to enable the board to determine whether the eligible government unit and the proposed loan meets the requirements of 17-5-1611(8), MCA, ~~and ARM 8.97.719.~~

(2) The bond program office of the board shall review the application to determine whether the application is complete. The bond program office may request the eligible government unit to provide additional information relevant to the evaluation of the application ~~under ARM 8.97.719.~~ Upon a determination by the bond program office that the application is complete, the executive director and bond program office may approve the loan, if authorized by these rules or board policy or make a recommendation to the board for action on the application. The executive director shall have ~~full~~ final discretion to refer any application to the board for its approval.

(3) remains the same.

AUTH: 17-5-1605, MCA

IMP: 17-5-1611, MCA

REASONABLE NECESSITY: The board proposes to amend ARM 8.97.718 to strike two references to ARM 8.97.719, which are proposed for repeal in this notice. Additionally, (2) is proposed for amendment to reflect that the executive director has the discretion whether to bring applications before the board.

5. The board proposes to repeal the following rules:

8.97.717 DESCRIPTION OF MUNICIPAL FINANCE CONSOLIDATION ACT PROGRAMS

AUTH: 17-5-1605, MCA
IMP: 17-5-1602, 17-5-1606, 17-5-1611, MCA

8.97.719 CRITERIA FOR EVALUATION OF ALL PROGRAM APPLICATIONS

AUTH: 17-5-1605, MCA
IMP: 17-5-1611, MCA

8.97.1101 ORGANIZATIONAL RULE

AUTH: 2-4-201, 17-6-201, 17-6-324, MCA
IMP: 2-4-201, 17-6-201, 17-6-324, MCA

8.97.1502 INTEREST RATE REDUCTION FOR LOANS FUNDED FROM THE COAL TAX TRUST

AUTH: 17-6-308, 17-6-324, MCA
IMP: 17-6-304, 17-6-308, MCA

8.97.1601 BONDS AND NOTES OF BOARD

AUTH: 17-5-1504, 17-5-1521, 17-6-324, MCA
IMP: 17-5-1504, 17-5-1521, 17-6-324, MCA

8.97.1701 DEFINITIONS

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, MCA

8.97.1702 DESCRIPTION OF ECONOMIC DEVELOPMENT BOND PROGRAMS

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1505, 17-5-1521, MCA

8.97.1706 APPLICATION AND FINANCING FEES, COSTS AND OTHER CHARGES

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, MCA

8.97.1708 PUBLIC INTEREST CRITERIA

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, 17-5-1526, 17-5-1527, MCA

8.97.1709 THIRTY DAY REVIEW REQUIREMENT

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, 17-5-1526, 17-5-1527, MCA

8.97.1801 DESCRIPTION OF MOBP PROGRAM

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, 17-5-1526, 17-5-1527, MCA

8.97.1802 ELIGIBILITY REQUIREMENTS OF MOBP PROGRAM

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, 17-5-1526, 17-5-1527, MCA

8.97.1803 CRITERIA FOR EVALUATING APPLICATIONS FOR PROJECT FINANCING UNDER THE MOBP PROGRAM

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, MCA

8.97.1804 INTEREST RATES

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, MCA

8.97.1805 CLOSING OF LOANS

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, MCA

8.97.1901 DESCRIPTION OF THE SABP PROGRAM

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1505, 17-5-1506, 17-5-1526, 17-5-1527, MCA

8.97.1902 ELIGIBILITY REQUIREMENTS OF SABP PROGRAM

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1506, 17-5-1521, 17-5-1526, 17-5-1527, MCA

8.97.1903 CRITERIA FOR EVALUATING APPLICATIONS FOR PROJECT FINANCING UNDER THE SABP PROGRAM

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1506, 17-5-1521, MCA

REASONABLE NECESSITY: As indicated in the general statement of reasonable necessity in paragraph 3, the board proposes repealing these rules because many repeat statutory language and are therefore in technical violation of 2-4-305(2), MCA. Additionally, many of the rules proposed for repeal do not meet current board policy or practice, including rules describing programs no longer in place.

6. The board proposes to transfer the following rules:

8.97.1201 (8.97.310) CITIZEN PARTICIPATION RULES

AUTH: 2-4-201, 17-6-324, MCA
IMP: 2-4-201, 17-6-324, MCA

8.97.1704 (8.97.314) ALLOCATION OF CAPACITY

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, MCA

8.97.1705 (8.97.311) FALSE OR MISLEADING STATEMENTS

AUTH: 17-5-1504, 17-5-1521, MCA
IMP: 17-5-1504, 17-5-1521, 17-6-201, 17-6-324, MCA

REASONABLE NECESSITY: The rules proposed for transfer are currently in subchapters of various Board programs but are intended to be general rules intended to apply to all Board programs. These are being transferred to a subchapter intended for general board practice.

7. The board proposes to transfer and amend the following rules, stricken matter interlined, new matter underlined:

8.97.1202 (8.97.312) PROCEDURAL RULES (1) The board hereby adopts and incorporates by reference ~~ARM 1.3.204 through 1.3.233~~ Title 1, chapter 3, subchapter 2, the Attorney General's Model Procedural Rules and ARM Title 1, chapter 3, subchapter 3, the Secretary of State's Organizational and Procedural Rules. A copy of these rules may be obtained from the Montana Board of Investments, PO Box 200126, Helena, Montana 59620-0126. Hearings on applications shall not be considered contested cases.

AUTH: 2-4-201, 17-6-324, MCA

IMP: 2-4-201, 17-6-324, MCA

REASONABLE NECESSITY: These rules proposed for transfer are currently in subchapters of various board programs but are intended to be general rules intended to apply to all board programs. These are being transferred to a subchapter intended for general board practice.

Additionally, the amendments to the proposed rule reflect striking outdated references to the Attorney General's model rules and amendment to reflect the correct Attorney General's model rules and the Secretary of State's model rules.

8.97.1703 (8.97.313) CONFIDENTIALITY OF INFORMATION (1) ~~Unless otherwise required by law~~ Except as provided in (2), information submitted ~~by a financial institution and borrower to the board~~ will be treated as public information.

(2) Pursuant to Montana law, information provided by a financial institution and a borrower will be treated as confidential, except the following:

(a) through (g) remain the same.

(3) (2) The board shall maintain public files on each completed application received containing the following information:

(a) items ~~(1)(a)~~ (2)(a) through (g) of this rule;

(b) all written documents received or prepared concerning items ~~(1)(a)~~ (2)(a) through (g) of this rule;

(c) the investment officer's or ~~his~~ their designee's recommendation to the board regarding items ~~(1)(a)~~ (2)(a) through (g) and ~~his~~ their recommendation for approval or denial of the application; and

(d) a summary of board action regarding the application including the board's approval or disapproval of the application, the terms and interest rate of the financing, and the loan repayment record.

~~(3) This rule is based on the board's finding that except for the information described in items (1)(a) through (g), the demands of individual privacy clearly exceed the merits of public disclosure of the personal, financial and business information that is contained in applications to the board.~~

AUTH: 17-5-1504, 17-5-1521, MCA

IMP: 17-5-1504, 17-5-1521, MCA

REASONABLE NECESSITY: The proposed transfer of ARM 8.97.1703 to ARM Title 8, chapter 97, subchapter 3 is to reflect that laws related to public information and confidentiality apply to all board functions. In addition to the board's general statement of reasonable necessity, the board proposes amendments to ARM 8.97.1703 to provide recognition of the presumption that all information in the possession of the board is considered public information and confidentiality provisions apply in only limited circumstances.

8. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Dan Whyte, Chief Legal Counsel, 2401 Colonial Drive, Third Floor, P.O. Box 200126, Helena, MT 59604-0126; telephone (406) 444-0587; fax (406)

449-6579; or e-mail dwhyte@mt.gov and must be received no later than 5:00 p.m., April 2, 2021.

9. The Board of Investments has been designated to preside over and conduct the hearing.

10. The Board of Investments maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in number 8 above or to faxed to the office at (406) 449-6579 or may be made by completing a request form at any rules hearing held by the Board of Investments.

11. An electronic copy of this notice is available on the board's web site at www.investmentmt.com, or through the Secretary of State's web site at sosmt.gov/ARM/register.

12. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

13. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment, repeal, transfer, and amendment and transfer of the above-referenced rules will not significantly and directly impact small businesses.

BOARD OF INVESTMENTS
Karl Englund, Chair

/s/ Dan Whyte
Dan Whyte
Rule Reviewer

/s/ Dan Villa
Dan Villa, Executive Director
Board of Investments

Certified to the Secretary of State February 16, 2021.

BEFORE THE BOARD OF DENTISTRY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON
24.138.208 denturist committee,) PROPOSED AMENDMENT,
24.138.402 fees, 24.138.407 dental) ADOPTION, AND REPEAL
hygienist functions, 24.138.414 license)
display, 24.138.502, 24.138.503,)
24.138.504, 24.138.505, 24.138.506,)
24.138.508, and 24.138.511 licensure)
and certification of dentists, dental)
hygienists, and denturists, 24.138.2104)
continuing education requirements,)
24.138.2301 and 24.138.2302 dentist)
and denturist unprofessional conduct,)
24.138.2402 screening panel; the)
adoption of New Rule I dental hygienist)
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of 24.138.404 justifiable criticism and)
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grounds for denial, 24.138.3004)
severability, and 24.138.3103 multiple-)
specialty announcements)

TO: All Concerned Persons

1. On March 19, 2021, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment, adoption, and repeal of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/94193441152>, Meeting ID: 941 9344 1152, Passcode: 687141; or
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656,

Meeting ID: 941 9344 1152, Passcode: 687141.

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

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 Board of Dentistry no later than 5:00 p.m., on March 12, 2021, to advise us of the nature of the accommodation that you need. Please contact Kevin Bragg, Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdden@mt.gov (board's e-mail).

3. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.138.208 DENTURIST COMMITTEE (1) remains the same.

(2) The committee shall meet ~~at least once a year and~~ as needed to review issues pertaining to denturists and make recommendations to the full board.

AUTH: 37-29-201, MCA

IMP: 37-29-201, MCA

REASON: In reviewing standing committee requirements, staff noticed an annual requirement for the denturist committee. As the committee does not always have business to discuss each year, the board is eliminating the requirement to minimize licensee costs for unnecessary meetings and create uniform committee standards.

24.138.402 FEE SCHEDULE (1) through (8) remain the same.

(9) Inactive renewal fee for dentists ~~306~~ 153

(10) Inactive renewal fee for dental hygienists ~~140~~ 70

(11) Inactive renewal fee for denturists ~~200~~ 100

(12) through (16) remain the same.

AUTH: 37-1-134, 37-4-205, 37-4-340, 37-4-341, 37-4-405, 37-29-201, MCA

IMP: 37-1-134, 37-1-141, 37-4-301, 37-4-340, 37-4-341, 37-4-402, 37-4-405, 37-29-303, MCA

REASON: During a rule review, staff noted the inactive status renewal fee is the same as active status. Additionally, because the fees are the same, practitioners over time have chosen to remain active instead of choosing inactive status. The board determined it is illogical to charge inactive licensees, who are exempt from CE requirements, the same fee since the oversight cost of inactive licensees is lower. The board determined it is reasonably necessary to amend this rule and reduce

inactive renewal fees to 50 percent of the active fees. This change affects all three license types and aligns with similar fees for other boards. The board estimates 83 inactive licensees will be affected by the changes and result in an approximate \$9,900 reduction in annual revenue.

24.138.407 FUNCTIONS FOR DENTAL HYGIENISTS (1) through (3) remain the same.

~~(4) Dentists shall refrain from delegating to dental hygienists any duties or responsibilities regarding patient care that cannot be delegated to dental hygienists under 37-4-401, MCA, and board rules.~~

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

~~(6) A dentist shall not employ, supervise or otherwise use more dental hygienists than the dentist can reasonably supervise in keeping with the dentist's ethical and professional responsibilities.~~

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

~~(8) A dentist licensed to use or direct the use of an x-ray producing device must assure that the radiation source under the dentist's jurisdiction is used only by individuals competent to use it, as per ARM 37.14.1003.~~

AUTH: 37-1-131, 37-4-205, 37-4-401, 37-4-408, MCA

IMP: 37-1-131, 37-4-401, 37-4-405, 37-4-408, MCA

REASON: During a comprehensive rule review, the board noticed that the conduct prohibited in (4), (6), and (8) are restrictions applicable to dentists, not functions of dental hygienists, and should be relocated to the dentists' unprofessional conduct rule. See REASON for ARM 24.138.2301.

24.138.414 DISPLAY OF LICENSES (1) All licensees must display, or have readily available by electronic means, their current license ~~in their place of employment in a noticeable area~~ for review by the public. If a licensee is working in more than one location, a copy of the license can be duplicated, or readily available by electronic means, for display in another office ~~or offices.~~

AUTH: ~~37-1-131,~~ 37-4-205, 37-29-201, MCA

IMP: 37-4-205, 37-4-326, 37-29-201, MCA

REASON: Board staff noticed that (1) does not account for current technology that allows proof of licensure in an easier and more cost-effective manner than by posting on a wall. The board is amending (1) to allow digital display and proof of licensure and ensure the rule's validity through future technology developments.

Authority and implementation citations are being amended to accurately reflect the statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.138.502 INITIAL LICENSURE OF DENTISTS BY EXAMINATION

(1) through (1)(d) remain the same.

(e) a copy of a self-query of the National Practitioner Data Bank and the ~~Healthcare Integrity Data Bank~~;
(f) through (4) remain the same.

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-1-131, 37-4-301, MCA

REASON: Following the merger of the National Practitioner Data Bank (NPDB) and Healthcare Integrity Data Bank, the board is amending this rule to use the correct name of the combined entity.

24.138.503 INITIAL LICENSURE OF DENTAL HYGIENISTS BY EXAMINATION (1) through (1)(d) remain the same.

(e) a copy of a self-query of the National Practitioner Data Bank and the ~~Healthcare Integrity Data Bank~~;
(f) through (4) remain the same.

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-1-131, 37-4-401, 37-4-402, MCA

REASON: See the REASON for ARM 24.138.502.

24.138.504 APPROVED CLINICAL EXAM CRITERIA FOR DENTISTS AND DENTAL HYGIENISTS (1) remains the same.

(2) Dental students who graduate during the state of emergency declared in the Governor of Montana's Executive Order 2-2020 or in the year 2021 shall be allowed to substitute a board-approved manikin-based operative exam in lieu of the patient-based examinations required in (1)(a) and (1)(b). All remaining non-patient-based requirements shall remain in effect. The exception outlined in this section shall expire ~~90 days after the Governor of the State of Montana ends the state of emergency declared in Executive Order 2-2020~~ December 31, 2021.

(3) and (3)(a) remain the same.

(b) Dental hygiene students who graduate during the state of emergency declared in the Governor of Montana's Executive Order 2-2020, or in the year 2021, shall be allowed to substitute a board-approved manikin-based examination in lieu of a patient-based clinical examination. The exception outlined in this section shall expire on December 31, 2021.

(4) through (6) remain the same.

AUTH: 37-1-131, 37-4-205, 37-4-402, MCA
IMP: 37-1-131, 37-4-301, 37-4-402, MCA

REASON: The board has, in the past, made specific provisions for licensing examinations including manikin exceptions. Due to the ongoing effects of the COVID-19 pandemic, the board determined it is reasonably necessary to amend this rule to extend the dental clinical examination exceptions through 2021.

The board has received comments regarding issues with in-patient clinical examinations for dental hygienists. Based upon the comments and continued rise in infections, the board is adding (3)(b) to allow for a board-approved manikin examination for dental hygiene candidates through 2021.

24.138.505 DENTIST LICENSURE BY CREDENTIALS (1) through (1)(h) remain the same.

(i) submits a copy of a self-query of the National Practitioner Data Bank ~~and the Healthcare Integrity Data Bank; and~~

(j) submits a current CPR, ACLS, or PALS card; ~~and~~

~~(k) provides affidavits from three persons not related to the candidate regarding the applicant's good moral character.~~

(2) and (3) remain the same.

AUTH: 37-1-131, 37-4-205, MCA

IMP: 37-1-131, 37-1-304, 37-4-301, MCA

REASON: Following the merger of the National Practitioner Data Bank (NPDB) and Healthcare Integrity Data Bank, the board is amending this rule to use the correct name of the combined entity.

The department has recommended all boards amend their rules to remove conflict and align with standardized department application procedures. The changes include no longer requiring affidavits to prove applicants' good moral character since they rarely yield substantive negative notations or provide information that the department cannot gain from other sources. Therefore, the board is striking the affidavit requirement for licensure by credentials.

24.138.506 DENTAL HYGIENIST LICENSURE BY CREDENTIALS

(1) through (1)(f) remain the same.

~~(g) affidavits from two persons not related to the candidate regarding the applicant's good moral character;~~

~~(h) (g) a copy of a self-query of the National Practitioner Data Bank and the Healthcare Integrity Data Bank; and~~

(i) remains the same but is renumbered (h).

(2) through (4) remain the same.

AUTH: 37-1-131, 37-4-205, MCA

IMP: 37-1-131, 37-1-304, MCA

REASON: See the REASON for ARM 24.138.505.

24.138.508 DENTAL HYGIENE LOCAL ANESTHETIC AGENT CERTIFICATION (1) remains the same.

(2) Application for local anesthetic certification by examination shall be made on an application form and must include the following:

(a) verification of successful passage of the ~~Western Regional Examining Board (WREB)~~ a board-approved local anesthetic examination within the last five years;

(b) through (d) remain the same.

(3) Application for a local anesthetic certificate by credentialing shall be made on an application provided by the board and shall include the following:

(a) verification of successful passage of the ~~WREB~~ a board-approved local anesthetic examination more than five years ago;

(b) through (f) remain the same.

(4) An applicant who wishes to convert an inactive status local anesthesia certification in conjunction with the conversion of an inactive dental hygiene license shall:

(a) verify passage of a ~~WREB~~ board-approved local anesthetic examination;

(b) through (5) remain the same.

AUTH: 37-1-131, 37-4-205, 37-4-402, MCA

IMP: 37-1-131, 37-4-401, 37-4-402, MCA

REASON: The board determined it is reasonably necessary to amend this rule to remove explicit references to the Western Regional Examining Board and instead allow board-approved local anesthetic examinations for dental hygienist certification. The board is amending the rule due to the board's express approval of the Central Region Dental Testing Service's (CRDTS) local anesthesia examination. The change will allow the board to approve further local anesthesia examinations, if warranted, without spending additional licensee funds through rulemaking.

24.138.511 DENTURIST LICENSE REQUIREMENTS (1) through (1)(e) remain the same.

(f) a self-query of the National Practitioner Data Bank ~~and the Healthcare Integrity Data Bank~~.

AUTH: 37-1-131, 37-29-201, MCA

IMP: 37-1-131, 37-29-201, 37-29-302, 37-29-303, 37-29-306, MCA

REASON: Following the merger of the National Practitioner Data Bank (NPDB) and Healthcare Integrity Data Bank, the board is amending this rule to use the correct name of the combined entity.

24.138.2104 REQUIREMENTS AND RESTRICTIONS (1) remains the same.

~~(2) For the purpose of compliance, one continuing education credit will be recognized for each 60 minutes of involvement. Credit will not be earned for time spent in introductory remarks, coffee and luncheon breaks or business meetings.~~

(3) and (4) remain the same but are renumbered (2) and (3).

~~(5) Continuing education credits will be allowed for attendance of multiday convention type meetings per year as follows:~~

~~(a) two credits for dental hygienists;~~

- ~~(b) three credits for dentists; and~~
- ~~(c) two credits for denturists.~~
- (6) and (6)(a) remain the same but are renumbered (4) and (4)(a).
- ~~(b) A licensee shall not accept any form of remuneration for providing volunteer dental services.~~
- ~~(c) All volunteer dental services performed shall be within the scope of practice of the licensee.~~
- (d) remains the same but is renumbered (b).

AUTH: 37-1-319, 37-4-205, 37-4-401, 37-29-201, MCA

IMP: 37-1-306, 37-1-319, 37-4-401, MCA

REASON: During the rule review, the board concluded it is reasonably necessary to amend this continuing education (CE) rule to remove provisions on what an hour means, multiday conventions, and volunteer dental services. The board is striking (2) to further stress that licensees are responsible to select appropriate presentations. The board is striking (5) after determining the provision is contrary to the spirit of the rule in providing credits for simply attending a convention. While recognizing that licensees may gain useful practice insights by interacting with other practitioners and presenters at convention-type meetings, the board does not believe that possibility justifies granting CE credit for mere attendance. The board is deleting the volunteer dental provisions as they are adequately addressed in statute as noted in the repeal of ARM 24.138.420.

24.138.2301 UNPROFESSIONAL CONDUCT FOR DENTISTS AND DENTAL HYGIENISTS (1) For the purposes of implementing the provisions of 37-1-316, MCA, the board further defines "unprofessional conduct" for dentists and dental hygienists as follows:

- (a) Continuing to practice dentistry or dental hygiene when the licensee's license has been suspended, revoked, or is not currently renewed.
- (b) through (d) remain the same.
- ~~(e) Extracting teeth or performing dental treatment upon the written or verbal prescription of someone other than a licensed dentist.~~
- (f) through (l) remain the same but are renumbered (e) through (k).
- (l) Failing to store, transport off the premises, and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA.
- (m) Failing to adhere to any bloodborne pathogen regulation as outlined in Occupational Safety and Health Administration (OSHA) regulation contained in 29 CFR 1910.1030, as amended and published in the Federal Register, volume 66, on January 18, 2001 beginning at page 5325, which is hereby incorporated by reference.
- (n) Failing to seek consultation with those licensees or other health care professionals who have special skills, knowledge, and experience whenever needed to safeguard the welfare of the patient.

(o) Failing to return a patient, if a specialist or consulting dentist, unless the patient expressly reveals a different preference, to the referring dentists, or if none, to the dentists of record for future care.

(p) Accepting or tendering "rebates" or "split fees," which are commissions paid to others for referral of business.

(q) Delegating to dental hygienists or dental auxiliaries any duties or responsibilities regarding patient care that cannot be delegated to dental hygienists or dental auxiliaries under 37-4-401, MCA, and board rules.

(r) Dentists shall be obliged when consulted in an emergency by patients not of record to make reasonable arrangements for emergency care. If treatment is provided, the dentist, upon completion of such treatment, is obliged to return the patient to his or her regular dentist unless the patient expressly reveals a different preference.

(s) Employing, supervising, or otherwise using more dental hygienists or dental auxiliaries than the dentist can reasonably supervise in keeping with the dentist's ethical and professional responsibilities.

(t) Failing to assure that the radiation source under the dentist's jurisdiction is used only by individuals competent to use it.

(u) Failing to safeguard the confidentiality of patient records, failing to maintain patient records in a manner consistent with the protection of the welfare of the patient, and failure to provide any information or records, upon request of the patient, that will be beneficial for the future treatment of the patient.

(v) Knowingly suppressing, omitting, or concealing any material fact or law without which an advertisement would be deceptive or misleading.

AUTH: 37-1-319, 37-4-205, 37-4-408, 75-10-1006, MCA

IMP: 37-1-316, 37-1-319, 37-4-101, 37-4-405, 37-4-408, 75-10-1006, MCA

REASON: As part of the comprehensive rule review, staff realized unprofessional conduct provisions are stated in numerous rules other than specific unprofessional conduct rules. Further, unprofessional conduct for dentists and dental hygienists are combined in a single rule. The board determined it is reasonably necessary to amend this rule and several others, adopt NEW RULE I, and repeal several rules to ensure all unprofessional conduct provisions are set forth in unprofessional conduct rules, and do so by specific license type. Acknowledging that many provisions of unprofessional conduct do overlap across license types, the board concluded that each license type has specific obligations which are better served by utilizing separate and discrete unprofessional conduct rules. Separating by license type will increase clarity by directing licensees to comprehensive licensee-specific rules.

After the adoption of MAR Notice No. 24-138-77, the board expanded its involvement with dental auxiliaries, also known as assistants. Specifically, auxiliaries may now practice certain activities under general supervision which does not require a dentist to be on-site. ARM 24.138.406 covers supervision and delegation of duties to auxiliaries; however, with the expansion of use, the board determined it is reasonably necessary to expressly clarify in (1)(q) and (s) that failure to supervise or delegating tasks to auxiliaries, in violation of board rules, is

unprofessional conduct and licensees who do so are subject to the disciplinary process.

Authority and implementation citations are being amended to accurately reflect the statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.138.2302 UNPROFESSIONAL CONDUCT FOR DENTURISTS (1) For the purposes of implementing the provisions of 37-1-316, MCA, the board further defines "unprofessional conduct" as follows:

(a) through (j) remain the same.

(k) failing to respond to correspondence from the board, or failing to comply with final orders of the board; ~~and~~

(l) making and fitting dentures over dental implants in violation of board rules;

(m) failing to store, transport off the premises, and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA;

(n) failing to adhere to any bloodborne pathogen regulation as outlined in Occupational Safety and Health Administration (OSHA) regulation contained in 29 CFR 1910.1030, as amended and published in the Federal Register, volume 66, on January 18, 2001 beginning at page 5325, which is hereby incorporated by reference; and

(o) accepting or tendering "rebates" or "split fees," which are commissions paid to others for referral of business.

AUTH: 37-1-136, 37-1-319, 37-29-201, 75-10-1006, MCA

IMP: 37-1-316, 37-1-319, 37-29-402, 37-29-403, 75-10-1006, MCA

REASON: See REASON for ARM 24.138.2301. Authority and implementation citations are being amended to accurately reflect the statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.138.2402 SCREENING PANEL (1) remains the same.

~~(2) The screening panel shall not consider anonymous complaints.~~

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA

IMP: 37-1-307, 37-4-201, 37-29-105, MCA

REASON: To maximize openness and enhance public protection and safety, the board determined the express prohibition of anonymous complaints in (2) is unduly restrictive. The board determined it is reasonably necessary to strike this prohibition as potentially restrictive of legitimate and verifiable complaints. The board acknowledged the potential difficulty in prosecuting such complaints without additional evidence, but after discussion, concluded that the interest of the public outweighs the potential increased compliance case load. Authority citations are amended to reflect the statutory sources of the board's rulemaking authority.

4. The proposed new rule is as follows:

NEW RULE I UNPROFESSIONAL CONDUCT FOR DENTAL HYGIENISTS

(1) For the purposes of implementing the provisions of 37-1-316, MCA, the board further defines "unprofessional conduct" for dental hygienists as follows:

(a) Continuing to practice dental hygiene when the licensee's license has been suspended, revoked, or is not currently renewed.

(b) Administering, dispensing, or prescribing approved topical agents in violation of board rules.

(c) Having been convicted of violating a federal or state statute or rule regulating the possession, distribution, or use of a controlled substance scheduled in Title 50, chapter 32, MCA.

(d) Failure to maintain an office(s) in sanitary conditions consistent with current accepted sterilization and disinfection protocols for treatment rooms or sterilization and laboratory areas, or operating under unsanitary conditions after a warning from the board.

(e) Extracting teeth or performing dental treatment upon the written or verbal prescription of someone other than a licensed dentist.

(f) Obtaining a fee or other compensation, either directly or indirectly by the representation that a manifestly incurable disease, injury, or condition of a person can be cured.

(g) Testifying in court on a contingency witness-fee basis.

(h) Failing to supervise and monitor the actions of all dental auxiliaries and dental hygienists in regard to patient care which are in the direct employ of a hygienist.

(i) Violating the regulations concerning the administration of anesthesia.

(j) Failure to respond to correspondence from the board, or to comply with final orders of the board.

(k) Representing or recording as an oral prophylaxis, coronal polishing by itself, without an appropriately licensed dentist or licensed dental hygienist inspecting for and removing any supragingival and subgingival calculus and gingival irritants deemed necessary for removal by an appropriately licensed dentist or licensed dental hygienist.

(l) Commission of an act of sexual abuse, sexual misconduct, or sexual exploitation by the licensee, whether or not related to the licensee's practice of dental hygiene.

(m) Failing to store, transport off the premises, and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA.

(n) Failing to adhere to any bloodborne pathogen regulation as outlined in Occupational Safety and Health Administration (OSHA) regulation contained in 29 CFR 1910.1030, as amended and published in the Federal Register, volume 66, on January 18, 2001 beginning at page 5325, which is hereby incorporated by reference.

(o) Accepting or tendering "rebates" or "split fees," which are commissions paid to others for referral of business.

(p) Failing to seek consultation with those licensees or other health care professionals who have special skills, knowledge, and experience whenever needed to safeguard the welfare of the patient.

(q) Failing to safeguard the confidentiality of patient records, failing to maintain patient records in a manner consistent with the protection of the welfare of the patient, and failure to provide any information or records, upon request of the patient, that will be beneficial for the future treatment of the patient.

AUTH: 37-1-319, 37-4-205, 37-4-408, 75-10-1006, MCA

IMP: 37-1-316, 37-1-319, 37-4-405, 37-4-408, 75-10-1006, MCA

REASON: See REASON for ARM 24.138.2301.

5. The rules proposed to be repealed are as follows:

24.138.404 JUSTIFIABLE CRITICISM AND EXPERT TESTIMONY

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA

IMP: 37-1-131, 37-1-308, MCA

REASON: Staff discovered this rule, encouraging licensees to report criticism of other licensees, has not been altered in over a decade. This process currently exists through standard compliance procedures. Legal staff further noted that the rule limits licensees' freedom of speech under the U.S. and Montana Constitutions, and its continued use is legally questionable. The board is repealing this rule as no longer effective, confusing to licensees, and because procedures addressing the rule's intent already exist, and the rule is unnecessarily duplicative.

24.138.405 MANAGEMENT OF INFECTIOUS WASTE

AUTH: 37-1-131, 37-4-205, 37-29-201, 75-10-1006, MCA

IMP: 75-10-1006, MCA

REASON: See REASON for ARM 24.138.2301. Additionally, this rule's reference to a weblink is ineffective as links change. As a result, the board is repealing this rule and moving relevant provisions to the unprofessional conduct rules for each license type per the REASON for ARM 24.138.2301.

24.138.408 SERVICE TO THE PUBLIC AND QUALITY OF CARE

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA

IMP: 37-1-131, MCA

REASON: The comprehensive review identified several rules implemented in the 1980s that are obsolete and unnecessary. As primarily an aspirational statement, this rule is likely too vague and subjective to be enforceable. The board is repealing this unnecessary rule to simplify and streamline the rules.

24.138.409 PATIENT SELECTION

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA
IMP: 37-1-131, MCA

REASON: The board determined it is reasonably necessary to repeal this rule since the unprofessional conduct provisions of 37-1-316, MCA, address this type of discrimination through relevant violations of state and federal laws and the prohibition of conduct not meeting generally accepted standards of practice.

24.138.410 PATIENT RECORDS

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA
IMP: 37-1-131, MCA

REASON: During the comprehensive rule review, the board identified several rules implemented in the 1980s that have become obsolete and unnecessary. The board is moving the provisions of (1) to the unprofessional conduct rules for each license type per the REASON for ARM 24.138.2301. The board is repealing the remaining unnecessary provisions as state and federal regulations already govern licensees' record-keeping obligations and licensees may feel an obligation to keep records longer than the minimum for statute of limitations purposes.

24.138.411 EMERGENCY SERVICE

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-1-131, 37-4-101, MCA

REASON: During the comprehensive rule review, the board identified several rules implemented in the 1980s that have become obsolete and unnecessary. This rule contains requirements that are incumbent upon any doctor-patient relationship and stating it in rule is unnecessary. Further, the board believes all licensees will undertake their best efforts to treat emergency patients. The board is repealing this rule and relocating (2) to ARM 24.138.2301 dentist unprofessional conduct.

24.138.412 CONSULTATION AND REFERRAL

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-1-131, 37-4-101, MCA

REASON: See REASON for ARM 24.138.2301. As part of their standard of care, licensees must seek consultation when practicing beyond professional limitations. Further, the applicable standard of care for licensees would generally require the actions outlined in the rule.

24.138.413 REBATE AND SPLIT FEES

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-1-131, MCA

REASON: See REASON for ARM 24.138.2301.

24.138.420 SCOPE OF TREATMENT FOR VOLUNTEER LICENSEES

AUTH: 37-1-131, 37-4-204, 37-4-340, MCA
IMP: 37-4-340, MCA

REASON: It is reasonably necessary to repeal this rule because its provisions unnecessarily repeat statutory language in violation of 2-4-305(2), MCA.

24.138.501 APPROVED DENTAL AND DENTAL HYGIENE SCHOOLS

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-4-302, MCA

REASON: It is reasonably necessary to repeal this rule because its provisions unnecessarily repeat statutory language in violation of 2-4-305(2), MCA.

24.138.507 DENTIST LICENSURE BY CREDENTIALS FOR SPECIALISTS

AUTH: 37-1-131, 37-4-205, MCA
IMP: 37-1-131, 37-1-304, MCA

REASON: Board staff fields a consistent number of calls from out-of-state licensees with specialty practices who are moving to Montana. This rule contemplates a type of licensure that does not exist in Montana since every dentist receives the same license with no specialty notation. The board's specialty rules in subchapter 31 require licensees to abide by certain standards pertaining to specialty advertising and announcements. Also, while the board does maintain records of specialties for licensees if submitted, there is no requirement for this reporting. Due to its confusing nature, the board is repealing this rule, so the remaining application rules more clearly set forth the appropriate application routes.

24.138.515 CONSIDERATION OF REAPPLICATION FOR A LICENSE AFTER PREVIOUS DENIAL OR REVOCATION

AUTH: 37-1-136, 37-4-402, 37-29-201, MCA
IMP: 37-1-136, 37-1-137, MCA

REASON: The board determined this rule's provisions are adequately addressed in 37-1-314, MCA, and this repeal will not significantly impact standard operations. Further, the board notes that personal interviews in (2)(f) are fraught with potential allegations of improper bias. Final orders denying, suspending, or revoking a license explicitly set forth preconditions to reconsideration of the board's decision.

24.138.519 GROUNDS FOR DENIAL OF A LICENSE

AUTH: 37-1-131, 37-4-205, 37-29-201, MCA

IMP: 37-1-137, 37-29-201, MCA

REASON: The board is repealing this rule after determining that the provisions are adequately addressed in statute. Generally, see 37-1-131 and 37-1-316, MCA, providing grounds for denial.

24.138.3004 SEVERABILITY

AUTH: 37-4-205, MCA

IMP: 37-4-205, MCA

REASON: During the rule review, staff discovered several rule provisions which seem to have been adopted to protect the validity of board rules. The board concluded it is reasonably necessary to repeal this rule since every board rule was adopted following the statutorily outlined processes of the Montana Administrative Procedure Act (MAPA). In following these statutory requirements, the board has properly implemented its regulations and should challenges arise, any judicial intervention regarding one rule would not reverberate through the rules as a whole.

24.138.3103 STANDARDS FOR MULTIPLE-SPECIALTY ANNOUNCEMENTS

AUTH: 37-4-205, MCA

IMP: 37-1-131, 37-4-205, MCA

REASON: Board staff noticed that the provisions of this rule are similar to ARM 24.138.3102, and the only difference being the notation of "multiple specialty announcements." The board is repealing this rule as it is unnecessary and confusing to repeat provisions in both rules.

6. 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 the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdden@mt.gov, and must be received no later than 5:00 p.m., March 26, 2021.

7. An electronic copy of this notice of public hearing is available at www.dentistry.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdden@mt.gov; or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.138.208, 24.138.402, 24.138.407, 24.138.414, 24.138.502, 24.138.503, 24.138.504, 24.138.505, 24.138.506, 24.138.508, 24.138.511, 24.138.2104, 24.138.2301, 24.138.2302, and 24.138.2402 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULE I will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.138.404, 24.138.405, 24.138.408, 24.138.409, 24.138.410, 24.138.411, 24.138.412, 24.138.413, 24.138.420, 24.138.501, 24.138.507, 24.138.515, 24.138.519, 24.138.3004, and 24.138.3103 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; facsimile (406) 841-2305; or to dlibsdden@mt.gov.

11. Kevin Bragg, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF DENTISTRY
AIMEE AMELINE, DDS
PRESIDENT

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

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 16, 2021.

BEFORE THE STATE BANKING BOARD
DEPARTMENT OF ADMINISTRATION
STATE OF MONTANA

In the matter of the repeal of ARM) NOTICE OF REPEAL
2.60.401 pertaining to the closure or)
relocation of bank branches)

TO: All Concerned Persons

1. On January 15, 2021, the Department of Administration published MAR Notice No. 2-60-608 pertaining to the proposed repeal of the above-stated rule at page 1 of the 2021 Montana Administrative Register, Issue Number 1.

2. No comments were received.

3. The department has repealed ARM 2.60.401 exactly as proposed.

By: /s/ Misty Ann Giles
Misty Ann Giles, Director
Department of Administration

By: /s/ Don Harris
Don Harris, Rule Reviewer
Department of Administration

Certified to the Secretary of State February 16, 2021.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 8.111.602 definitions and)
8.111.603 housing credit allocation)
procedure)

TO: All Concerned Persons

1. On December 24, 2020, the Department of Commerce published MAR Notice No. 8-111-185 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 2287 of the 2020 Montana Administrative Register, Issue Number 24.

2. No comments or testimony were received.

3. The department has amended the above-stated rules as proposed.

MONTANA BOARD OF HOUSING
Patrick E. Melby, Chairman

/s/ Amy Barnes
Amy Barnes
Rule Reviewer

/s/ Adam Schafer
Adam Schafer
Deputy Director
Department of Commerce

Certified to the Secretary of State February 16, 2021.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of) NOTICE OF ADOPTION OF
emergency rules closing the Ennis) EMERGENCY RULES
Fishing Access Site and the Valley)
Garden Fishing Access Site in)
Madison County)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of emergency rules closing the Ennis Fishing Access Site and the Valley Garden Fishing Access Site:

- (a) There are ice jams on the Madison River that have caused water to channel and flood multiple portions of the fishing access sites.
- (b) The combination of dangerous conditions includes changing flooded areas throughout the sites, moving ice and debris, and potentially unstable trees that could fall, rendering unsafe conditions for pedestrian and vehicle travel.
- (c) Persons recreating at the fishing access sites would be at risk of injury or drowning.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare due to the combination of unsafe conditions and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rules. The emergency rules will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rules will be sent to interested parties, and published as emergency rules in Issue No. 4 of the 2021 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on March 12, 2021, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rules are effective February 16, 2021, when this rule notice is filed with the Secretary of State.

4. The text of the emergency rules provides as follows:

RULE I ENNIS FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Ennis Fishing Access Site is located along the Madison River in Madison County.

(2) The Ennis Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule will remain in effect until the department determines that the site is again safe for public occupancy. This will depend on the extent and duration of the ice jams on the river causing flooding into the fishing access site. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-202, MCA
IMP: 2-4-303, 87-1-202, MCA

RULE II VALLEY GARDEN FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Valley Garden Fishing Access Site is located along the Madison River in Madison County.

(2) The Valley Garden Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule will remain in effect until the department determines that the site is again safe for public occupancy. This will depend on the extent and duration of the ice jams on the river causing flooding into the fishing access site. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-202, MCA
IMP: 2-4-303, 87-1-202, MCA

5. The rationale for the emergency rules is set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to: Jay Pape, Fish, Wildlife and Parks, 1400 S. 19th Ave, Bozeman, MT 59718; or e-mail jpape@mt.gov. Any comments must be received no later than March 26, 2021.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Hank Worsech
Hank Worsech
Director
Department of Fish, Wildlife and Parks

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

Certified to the Secretary of State February 16, 2021.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of an emergency rule closing the York's Islands Fishing Access Site in Broadwater County)
) NOTICE OF ADOPTION OF EMERGENCY RULE
)
)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule closing the York's Islands Fishing Access Site:

(a) There is ice gorging and ice jams on the Missouri River that have caused water and ice to channel through multiple portions of the fishing access site.

(b) The combination of dangerous conditions includes changing flooded areas throughout the site, freezing and rendering unsafe conditions for pedestrian and vehicle travel.

(c) Persons recreating at the fishing access site would be at risk of unsafe roadways, injury, or drowning.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare due to the combination of unsafe conditions and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as an emergency rule in Issue No. 4 of the 2021 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on March 12, 2021, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rule is effective February 17, 2021, when this rule notice is filed with the Secretary of State.

4. The text of the emergency rule provides as follows:

RULE 1 YORK'S ISLANDS FISHING ACCESS SITE EMERGENCY CLOSURE (1) The York's Islands Fishing Access Site is located along the Missouri River in Broadwater County.

(2) The York's Islands Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule will remain in effect until the department determines that the site is again safe for public occupancy. This will depend on the extent and duration of the ice jams on the river causing flooding into the fishing access site. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-202, MCA
IMP: 2-4-303, 87-1-202, MCA

5. The rationale for the emergency rule is set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Jay Pape, Fish, Wildlife and Parks, 1400 South 19th Avenue, Bozeman, MT 59718-5496; or e-mail jpape@mt.gov. Any comments must be received no later than March 26, 2021.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Hank Worsech
Hank Worsech
Director
Department of Fish, Wildlife and Parks

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

Certified to the Secretary of State February 17, 2021.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to common carrier)
reporting of alcoholic beverage)
shipments)

TO: All Concerned Persons

1. On January 15, 2021, the Department of Revenue published MAR Notice No. 42-1029 pertaining to the proposed adoption of the above-stated rule at page 56 of the 2021 Montana Administrative Register, Issue Number 1.
2. The department has adopted New Rule I (42.13.1301) as proposed.
3. No requests for a public hearing or comments were received.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Brendan Beatty
Brendan Beatty
Director of Revenue

Certified to the Secretary of State February 16, 2021.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

Education and Local Government Interim Committee:

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

Environmental Quality Council:

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

Water Policy Interim Committee (where the primary concern is the quality or quantity of water):

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions: **Administrative Rules of Montana (ARM)** is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is an online publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding Register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|---------------|--|
| Known Subject | 1. Consult ARM Topical Index.
Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued. |
| Statute | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers. |

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2020. This table includes notices in which those rules adopted during the period September 11, 2020, through February 12, 2021, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2020, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2020 or 2021 Montana Administrative Registers.

To aid the user, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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- 42-1027 Revisions to Definitions of Oil Stripper Well Bonus - Stripper Well Exemption, p. 2128, 77
- 42-1028 Tax Credits for Contributions to Qualified Education Providers, p. 2235, 122
- 42-1029 Common Carrier Reporting of Alcoholic Beverage Shipments, p. 56

SECRETARY OF STATE, Office of, Title 44

- 44-2-240 Scheduled Dates for the 2021 Montana Administrative Register, p. 1695, 1882

(Commissioner of Political Practices)

- 44-2-241 Payment Threshold--Inflation Adjustment for Lobbyists, p. 2131, 78

EXECUTIVE BRANCH APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of executive branch appointees and upcoming vacancies on those boards and councils.

In this issue, appointments effective in January 2021 appear. Potential vacancies from March 1, 2021 through May 30, 2021, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of February 1, 2021.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Aeronautics			
Mr. Robert Bergeson	Governor	Buckles	1/4/2021
Billings			1/5/2025
Qualifications (if required):	Interstate airline member		
Mr. Wade Cebulski	Governor	McKenna	1/4/2021
Seely Lake			1/5/2025
Qualifications (if required):	MT Pilots Association member		
Ms. Pamela Chamberlin	Governor	Wadekamper	1/4/2021
Butte			1/5/2025
Qualifications (if required):	MT Airport Management Association member		
Mr. Darrold Hutchinson	Governor	Lincoln	1/4/2021
Hingham			1/5/2025
Qualifications (if required):	MT Aerial Applicators		
Mr. Bill Lepper	Governor	Maxness	1/4/2021
Whitefish			1/5/2025
Qualifications (if required):	Fixed based operator		
Mr. Tim Robertson	Governor	Hunt	1/4/2021
Lewistown			1/5/2025
Qualifications (if required):	MT Association of Counties		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Aeronautics Cont.			
Mr. Timothy Sheehy Bozeman	Governor	McNutt	1/4/2021 1/5/2025
Qualifications (if required): Chamber of Commerce member			
Board of Horse Racing			
Mr. John Hayes Great Falls	Governor	reappointed	1/4/2021 1/1/2024
Qualifications (if required): District 3 member			
Ms. Jody Smith Miles City	Governor	reappointed	1/4/2021 1/1/2024
Qualifications (if required): District 1 member			
Board of Housing			
Mr. Adam Hertz Missoula	Governor	McCluskey	1/4/2021 1/5/2025
Qualifications (if required): Public member			
Mr. Bruce Posey Billings	Governor	Sunsted	1/4/2021 1/5/2025
Qualifications (if required): Public member			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Housing Cont.			
Mr. Charles Robinson Helena	Governor	Melby	1/1/2021 1/5/2025
Qualifications (if required):	Attorney		
Ms. Cari Yturri Great Falls	Governor	Schindler	1/4/2021 1/5/2025
Qualifications (if required):	Public member		
Board of Investments			
Mr. Jeffrey A. Greenfield Shepherd	Governor	reappointed	1/4/2021 1/5/2025
Qualifications (if required):	TRS representative		
Mr. Mark Barry Helena	Governor	Edwards	1/4/2021 1/5/2025
Qualifications (if required):	Financial community representative		
Mr. Jeff Meredith Kalispell	Governor	Neoning	1/4/2021 1/5/2025
Qualifications (if required):	Small business representative		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Investments Cont.			
Ms. Maggie Jean Peterson Anaconda	Governor	reappointed	1/4/2021 1/5/2025
Qualifications (if required): Member of PERS			
Mr. Jack Prothero Great Falls	Governor	reappointed	1/4/2021 1/5/2025
Qualifications (if required): Financial community representative			
Board of Livestock Loss			
Ms. Elaine Allestad Big Timber	Governor	Wilson	1/4/2021 1/5/2025
Qualifications (if required): Member of public with wildlife impacts experience			
Ms. Doreen Gillespie Ethridge	Governor	reappointed	1/4/2021 1/5/2025
Qualifications (if required): Member of the livestock industry with wildlife impacts experience			
Mr. Joseph Kipp Browning	Governor	Cross	1/4/2021 1/5/2025
Qualifications (if required): Member of public with wildlife impacts experience			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Milk Control			
Mr. Brian Beerman Fairfield Qualifications (if required): Member	Governor	reappointed	1/4/2021 1/5/2025
Mr. Ken Bryan Roundup Qualifications (if required): Member	Governor	Weissman	1/4/2021 1/5/2025
Ms. Staci Ketchum Miles City Qualifications (if required): Member	Governor	Parker	1/4/2021 1/5/2025
Mr. W. Scott Mitchell Billings Qualifications (if required): Attorney	Governor	reappointed	1/4/2021 1/5/2025
Mr. Travis Stroh Glendive Qualifications (if required): Member	Governor	Somerfeld	1/4/2021 1/5/2025

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Occupational Therapy			
Dr. Trent Gahl Belgrade	Governor	MacMonegle	1/1/2021 12/31/2023
Qualifications (if required): Occupational therapist actively engaged in the practice or teaching			
Mrs. Melinda Martin Helena	Governor	Toner	1/1/2021 12/31/2024
Qualifications (if required): Occupational therapist actively engaged in practice or teaching			
Ms. Deborah Penner Butte	Governor	Wier	1/1/2021 12/31/2024
Qualifications (if required): Member of the general public			
Board of Pardons and Parole			
Mr. Steven Hurd Laurel	Governor	Bauer	1/4/2021 1/1/2027
Qualifications (if required): Criminal justice requirements			
Board of Speech Language Pathologists and Audiologists			
Dr. Hillary Carter Helena	Governor	Bukowski	1/1/2021 12/31/2023
Qualifications (if required): Audiologist			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Commission For Human Rights			
Mr. Curtis Almy Miles City Qualifications (if required): Public member	Governor	Baucus	1/4/2021 1/1/2025
Ms. Deb Broadbent Kalispell Qualifications (if required): Public	Governor	Murray	1/4/2021 1/1/2025
Mr. Peter Damrow Billings Qualifications (if required): Attorney	Governor	Tatarka	1/4/2021 1/1/2025
Eastern Montana Elder Justice Council			
Ms. Denise Armstrong Billings Qualifications (if required): Senior advocacy	Governor	reappointed	1/1/2021 12/31/2022
Ms. Marcy Brookie Roundup Qualifications (if required): Senior advocacy	Governor	reappointed	1/1/2021 12/31/2022

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Eastern Montana Elder Justice Council Cont.			
Mr. Neil Brunett Helena	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Designee of the Commissioner of Securities and Insurance, Ex Officio			
Mr. Todd Buchanan Billings	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Licensed certified financial planner			
Ms. Renee' Buhmann Miles City	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Private financial institution			
Mr. Gary Connelley Billings	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Licensed private attorney			
Sheriff Allen Fulton Forsyth	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Law enforcement/investigator			
Ms. Margaret Gallagher Billings	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): County attorney			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Eastern Montana Elder Justice Council Cont.			
Mr. Wyatt Arthur Glade Miles City Qualifications (if required): County attorney	Governor	reappointed	1/1/2021 12/31/2022
Mr. Michael Hagenlock Helena Qualifications (if required): Designee of Dept. of Public Health and Human Services, Ex Officio	Governor	reappointed	1/1/2021 12/31/2022
Mr. Brett Lapham Billings Qualifications (if required): Law enforcement/investigator	Governor	reappointed	1/1/2021 12/31/2022
Mr. Mike Larson Billings Qualifications (if required): Senior advocate and Co-Chair	Governor	reappointed	1/1/2021 12/31/2022
Mr. Chris McConnell Helena Qualifications (if required): Director or Designee of the Dept. of Justice, Ex Officio	Governor	reappointed	1/1/2021 12/31/2022
Mr. Chuck Munson Helena Qualifications (if required): Designee of Dept. of Justice, Ex Officio, Co-Chair	Governor	reappointed	1/1/2021 12/31/2022

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Eastern Montana Elder Justice Council Cont.			
Ms. Karla Painter Billings	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Law enforcement/Investigator			
Ms. Tammy Peltomaa Helena	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Designee of the Director of the Dept. of Administration, Ex Officio			
Mr. Al Ward Helena	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Senior advocacy			
Facility Finance Authority			
Mr. Jade Goroski Shelby	Governor	Kearns	1/4/2021 1/5/2025
Qualifications (if required): Member			
Mr. John Iverson Helena	Governor	Putnam	1/4/2021 1/5/2025
Qualifications (if required): Member			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Facility Finance Authority Cont.			
Mr. Vu Pham	Governor	Rogers	1/4/2021
Billings			1/5/2025
Qualifications (if required):	Attorney		
Mr. Mel Reinhardt	Governor	Bastian	1/4/2021
Billings			1/5/2025
Qualifications (if required):	Member		
Fish and Wildlife Commission			
Mr. Brian Cebull	Governor	Colton	1/4/2021
Billings			1/5/2025
Qualifications (if required):	District 5 commissioner		
Mr. Patrick Tabor	Governor	Aldrich	1/4/2021
Whitefish			1/5/2025
Qualifications (if required):	District 1 commissioner		
Mr. K.C. Walsh	Governor	Stuker	1/4/2021
Martinsdale			1/5/2025
Qualifications (if required):	District 3 commissioner		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Judicial Nomination Commission			
Mrs. Barbara Butler Billings	Governor	Larson	1/1/2021 1/1/2025
Qualifications (if required): Lay member who is neither a judge nor an attorney			
Montana Public Employees' Retirement Board			
Mr. Richard Hickel Kalispell	Governor	Severson	1/4/2021 1/5/2025
Qualifications (if required): Active member			
Montana Unmanned Aircraft Systems Council			
Mr. Michael Bousliman Helena	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Dept. of Transportation Designee			
Ms. Jennifer Fowler Missoula	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): Representative of the Montana University System			
Mr. Joseph Frohlich Helena	Governor	reappointed	1/1/2021 12/31/2022
Qualifications (if required): State Information Technology Services Div. representative			

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Unmanned Aircraft Systems Council Cont.			
Mr. Kreh Germaine Helena Qualifications (if required): DNRC Designee	Governor	reappointed	1/1/2021 12/31/2022
Mr. Kory Hofland Helena Qualifications (if required): Dept. of Revenue designee	Governor	Conn	1/1/2021 12/31/2022
Mr. Butch Huseby Helena Qualifications (if required): Dept. of Justice designee	Governor	reappointed	1/1/2021 12/31/2022
Mr. Weston Irr Livingston Qualifications (if required): Private industry representative	Governor	reappointed	1/1/2021 12/31/2022
Mr. Dan Olson Helena Qualifications (if required): Dept. of Livestock designee	Governor	reappointed	1/1/2021 12/31/2022
Mr. James Strait Helena Qualifications (if required): Dept. of Environmental Quality designee	Governor	reappointed	1/1/2021 12/31/2022

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Unmanned Aircraft Systems Council Cont.			
Mr. Paul Szczepaniak Helena Qualifications (if required): Dept. of Corrections designee	Governor	reappointed	1/1/2021 12/31/2022
Mr. Dustin Temple Helena Qualifications (if required): Department of Fish, Wildlife and Parks designee	Governor	reappointed	1/1/2021 12/31/2022
Mr. R. Stephen White Bozeman Qualifications (if required): Private industry representative	Governor	reappointed	1/1/2021 12/31/2022
Ms. Stacey Zyliak Helena Qualifications (if required): none stated	Governor	Jacoby	1/1/2021 12/31/2022
Public Safety Officer Standards and Training Council			
Sheriff Leo Dutton Helena Qualifications (if required): Board of Crime Control representative	Governor	reappointed	1/4/2021 1/5/2025

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Public Safety Officer Standards and Training Council Cont.			
Mr. Bill Smith	Governor	Jarrett	1/4/2021
Kalispell			1/5/2025
Qualifications (if required):	detention center administrator or detention officer		
Mr. Conner Smith	Governor	Strandell	1/4/2021
Helena			1/5/2025
Qualifications (if required):	State government law enforcement		
Mr. Jim Thomas	Governor	reappointed	1/4/2021
Canyon Creek			1/5/2025
Qualifications (if required):	experienced in law enforcement		
Mr. Jesse Slaughter	Governor	Harbaugh	1/4/2021
Great Falls			1/5/2025
Qualifications (if required):	Sheriff		
Mrs. Kimberly Burdick	Governor	reappointed	1/1/2021
Fort Benton			1/5/2025
Qualifications (if required):	Public member informed and experienced in law enforcement		

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Board of Parks and Recreation			
Mr. Russell Kipp Polaris Qualifications (if required): District 2	Governor	Lighthiser	1/4/2021 1/5/2025
Ms. Jody Loomis Helena Qualifications (if required): District 1	Governor	Grove	1/4/2021 1/5/2025
Ms. Kathy McLane Glendive Qualifications (if required): District 4	Governor	Stone	1/4/2021 1/5/2025
State Lottery Commission			
Sheriff Tony Harbaugh Miles City Qualifications (if required): Law enforcement qualifications	Governor	Lavin	1/4/2021 1/5/2025
Mr. Steve Morris Helena Qualifications (if required): Public member	Governor	Rehmann	1/4/2021 1/5/2025

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Tax Appeals Board			
Ms. Amie Zendron Helena Qualifications (if required): Member	Governor	Doherty	1/4/2021 12/31/2026
Transportation Commission			
Mr. Scott Aspenlieder Billings Qualifications (if required): District 5 commissioner	Governor	Skelton	1/4/2021 1/5/2025
Mr. Loran Frazier Great Falls Qualifications (if required): District 3 commissioner	Governor	Jergeson	1/4/2021 1/5/2025
Mr. Shane Sanders Bozeman Qualifications (if required): District 2 commissioner	Governor	Hope	1/4/2021 1/5/2025
Unemployment Insurance Appeals Board			
Ms. Laura Fix Helena Qualifications (if required): Private sector business	Governor	Boland	1/4/2021 1/5/2025

EXECUTIVE BRANCH APPOINTEES FOR JANUARY 2021

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Unemployment Insurance Appeals Board Cont.			
Mr. Chris Gallus	Governor	Murdo	1/4/2021
Helena			1/5/2025
Qualifications (if required):	Attorney and public member		
Ms. Ruthanne Hansen	Governor	Novak	1/1/2021
Helena			1/5/2025
Qualifications (if required):	Substitute public member		
Ms. Jenny Iverson	Governor	Campbell	1/4/2021
Helena			1/1/2023
Qualifications (if required):	Public member who is not a state employee		

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Architects and Landscape Architects Mr. Dale E. Nelson, Great Falls Qualifications (if required): Licensed Architect	Governor	4/1/2021
Board of County Printing Commissioner Carol Brooker, Thompson Falls Qualifications (if required): County Commissioner	Governor	4/1/2021
Commissioner Laura Obert, Townsend Qualifications (if required): County Commissioner	Governor	4/1/2021
Mr. Roger Wagner, Nashua Qualifications (if required): Member of the general public	Governor	4/1/2021
Mr. David McCumber, Butte Qualifications (if required): Member of the printing industry	Governor	4/1/2021
Mr. Jonathan McNiven, Huntley Qualifications (if required): Member of the printing industry	Governor	4/1/2021
Board of Dentistry Ms. Cherry Loney, Great Falls Qualifications (if required): Public member	Governor	4/1/2021
Mr. Kevin Miltko, Missoula Qualifications (if required): Licensed Dentist	Governor	4/1/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Directors of the State Compensation Insurance Fund		
Senator Lynda Bourque Moss, Billings Qualifications (if required): Public Representative	Governor	5/1/2021
Mr. Clifford Guy Larsen, Missoula Qualifications (if required): Executive management experience in an insurance company	Governor	5/1/2021
Mr. James P. Molloy, Helena Qualifications (if required): Private enterprises	Governor	5/1/2021
Mr. Lawrence Zanto Jr., Helena Qualifications (if required): Policy Holder and will continue to serve as Chair	Governor	5/1/2021
Board of Hail Insurance		
Mrs. Judy P. Tureck, Coffee Creek Qualifications (if required): Public Member	Governor	5/1/2021
Board of Livestock		
Representative Lila V. Taylor-Evans, Busby Qualifications (if required): Cattle Producer	Governor	3/1/2021
Board of Massage Therapy		
Dr. Elizabeth C. Cavin, Helena Qualifications (if required): Licensed Health Care Provider	Governor	5/1/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Optometry		
Dr. Marcus H. Kelley, Helena Qualifications (if required): Registered Optometrist	Governor	4/1/2021
Dr. Kristi Schied-Starkey, Billings Qualifications (if required): Registered Optometrist	Governor	4/1/2021
Board of Plumbers		
Mr. Dan F. Miles, Butte Qualifications (if required): Representative of the public	Governor	5/1/2021
Mr. Steve Roll, Forsyth Qualifications (if required): Representative of the public	Governor	5/1/2021
Board of Real Estate Appraisers		
Mr. Timothy Peter McGinnis, Polson Qualifications (if required): Licensed or certified real estate appraiser	Governor	5/1/2021
Mr. Ed Schoenen Jr., Great Falls Qualifications (if required): Representative of the public not engaged in real estate appraisal	Governor	5/1/2021
Board of Realty Regulation		
Mr. Ric Smith, Polson Qualifications (if required): Licensed real estate broker, salesperson, or property manager	Governor	5/1/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Realty Regulation Cont.		
Mr. Harry Freebourn, Butte Qualifications (if required): Representative of the public	Governor	5/1/2021
Mrs. Lindsey W. Hromadka, Whitefish Qualifications (if required): Representative of the public	Governor	5/1/2021
Invasive Species Council		
Mr. Dennis Charles Longknife, Harlem Qualifications (if required): Representative of the Fort Belknap Indian Community	Governor	5/9/2021
Ms. Laurie Schafer, Poplar Qualifications (if required): Representative of the Assiniboine and Sioux Tribes	Governor	5/9/2021
Ms. Jan Stoddard, Helena Qualifications (if required): Designee of the Department of Commerce	Governor	5/9/2021
Mr. Alec Underwood, Missoula Qualifications (if required): Representative of a Wildlife Organization	Governor	5/9/2021
Mr. Daryl Wright II, Box Elder Qualifications (if required): Representative of the Chippewa Cree Tribe	Governor	5/9/2021
Mr. Bruce Anderson, Chinook Qualifications (if required): Representative of Private Landowners	Governor	5/9/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Invasive Species Council Cont.		
Mr. Joe Demontiney Jr., Box Elder Qualifications (if required): Representative of the Chippewa Cree Tribe	Governor	5/9/2021
Councilman Martin Charlo, Pablo Qualifications (if required): Representative of the Confederated Salish and Kootenai Tribes	Governor	5/9/2021
Montana Health Coalition		
Ms. Cindy Stergar, Butte Qualifications (if required): None Stated	Governor	5/31/2021
Representative Edith J. Clark, Sweet Grass Qualifications (if required): None Stated	Governor	5/31/2021
Dr. Gary Mihelish, Helena Qualifications (if required): None Stated	Governor	5/31/2021
Mr. Travis Hoffman, Missoula Qualifications (if required): None Stated	Governor	5/31/2021
Dr. Greg Holzman, Helena Qualifications (if required): None Stated	Governor	5/31/2021
Ms. Marie Matthews, Helena Qualifications (if required): None Stated	Governor	5/31/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Health Coalition Cont. Mr. Todd Harwell, Helena Qualifications (if required): None Stated	Governor	5/31/2021
Ms. Deborah Swingley, Helena Qualifications (if required): None Stated	Governor	5/31/2021
Mr. Steven Todd, Ronan Qualifications (if required): None Stated	Governor	5/31/2021
Montana Heritage Preservation and Development Commission Ms. Pamela Dawn Bucy, Helena Qualifications (if required): Broad experience in business	Governor	5/1/2021
Mr. Floyd William Howell, West Yellowstone Qualifications (if required): Extensive experience in managing facilities	Governor	5/1/2021
Montana Invasive Species Council Mr. David Brooks, Missoula Qualifications (if required): Representative of fishing organizations	Governor	5/9/2021
Mr. Dennis Clairmont, Pablo Qualifications (if required): Representative of Confederated Salish and Kootenai Tribal Government	Governor	5/9/2021
Ms. Kim Mangold, Helena Qualifications (if required): Representative of the Montana Department of Agriculture	Governor	5/9/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Invasive Species Council Cont.		
Mr. Andy Welch, Helena Qualifications (if required): Representative of hydropower utility industry	Governor	5/9/2021
Mr. Tom Woolf, Helena Qualifications (if required): Representative of the Montana Department of Fish, Wildlife and Parks	Governor	5/9/2021
Montana Oilseed Advisory Committee		
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	5/15/2021
Mr. Patrick Carr, Moccasin Qualifications (if required): Associate Professor of Cropping Systems MSU	Governor	5/15/2021
Mr. Patrick Field, Pendroy Qualifications (if required): Producer	Governor	5/15/2021
Mr. Dale Flikkema, Bozeman Qualifications (if required): Producer	Governor	5/15/2021
Mr. Don Nagy, Sunburst Qualifications (if required): Producer	Governor	5/15/2021
Mr. Casey Nickol, Shelby Qualifications (if required): Producer	Governor	5/15/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Oilseed Advisory Committee Cont. Mr. Jeremiah Rhines, Sidney Qualifications (if required): Producer	Governor	5/15/2021
Ms. Jeannie Rude, Sheridan Qualifications (if required): PRO Co-op Agronomist, Ex-Officio	Governor	5/15/2021
Potato Commodity Advisory Committee Mr. Tim Lake, Polson Qualifications (if required): Potato Producer	Director	3/1/2021
Mr. Jack Meyer, Manhattan Qualifications (if required): Potato Producer	Director	3/1/2021
Public Employees' Retirement Board Mr. Timm Twardoski, Helena Qualifications (if required): Member at-large	Governor	4/1/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Public Employees' Retirement Board Cont. Mr. David Allen Severson, Missoula Qualifications (if required): Member at-large	Governor	4/1/2021
State Employee Charitable Giving Campaign Advisory Council Mr. Gary Owen, Great Falls Qualifications (if required): Federation Representative	Governor	5/1/2021
Mr. Jasyn Harrington, Helena Qualifications (if required): Federation Representative	Governor	5/1/2021
Mr. Mike Manion, Helena Qualifications (if required): Chair and Employee Representative	Governor	5/1/2021
Ms. Hope Stockwell, Helena Qualifications (if required): Employee Representative	Governor	5/1/2021
Ms. Liz Bangerter, Helena Qualifications (if required): Employee Representative	Governor	5/1/2021
Ms. Sandy Booth, Helena Qualifications (if required): Employee Representative	Governor	5/1/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Employee Charitable Giving Campaign Advisory Council Cont.		
Mr. Bill Crane, Helena Qualifications (if required): Federation Representative	Governor	5/1/2021
Ms. Penny Fassett, Helena Qualifications (if required): Employee Representative	Governor	5/1/2021
Ms. Danielle Williams, Helena Qualifications (if required): Employee Representative	Governor	5/1/2021
Ms. Kirsten Wrzesinski, Helena Qualifications (if required): Employee Representative	Governor	5/1/2021
State Workforce Innovation Board		
Mr. Dean Bentley, Butte Qualifications (if required): Business representative	Governor	5/9/2021
Upper Columbia Conservation Commission		
Mr. Dennis Clairmont, Pablo Qualifications (if required): Representative of the Confederated Salish and Kootenai Tribes	Governor	5/9/2021
Mr. Mike Koopal, Columbia Falls Qualifications (if required): Member-at-large	Governor	5/9/2021
Mr. Paul Kusnierz, Noxon Qualifications (if required): Representative of hydropower utility industry	Governor	5/9/2021

EXECUTIVE BRANCH VACANCIES – MARCH 1, 2021 THROUGH MAY 31, 2021

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Upper Columbia Conservation Commission Cont.		
Mr. Tom Woolf, Helena Qualifications (if required): Representative of the Invasive Species Council	Governor	5/9/2021
Mr. Brian Johnson, Kalispell Qualifications (if required): Representative of Recreational Organizations	Governor	5/9/2021
Mr. Phillip Matson, Columbia Falls Qualifications (if required): Representative of private landowners	Governor	5/9/2021
Mr. Christian Michael Parrott, Kalispell Qualifications (if required): Representative of private industry	Governor	5/9/2021
Councilman Martin Charlo, Pablo Qualifications (if required): Representative of the Confederated Salish and Kootenai Tribes	Governor	5/29/2021
Chairman Len Twoteeth, Pablo Qualifications (if required): Representative of the Confederated Salish and Kootenai Tribes	Governor	5/9/2021

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CHRISTI JACOBSEN
SECRETARY OF STATE

P.O. BOX 202801
HELENA, MONTANA 59620