

# MONTANA ADMINISTRATIVE REGISTER

2021 ISSUE NO. 6  
MARCH 26, 2021  
PAGES 288-377



# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 6

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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.

Page Number

## TABLE OF CONTENTS

### PROPOSAL NOTICE SECTION

#### COMMERCE, Department of, Title 8

8-94-186 Notice of Public Hearing on Proposed Amendment -  
Administration of the Federal Community Development Block Grant  
(CDBG) Program—Planning Grants.

288-289

LABOR AND INDUSTRY, Department of, Title 24

24-101-310 (Alternative Health Care Board, Board of Architects and Landscape Architects, Board of Athletic Trainers, Board of Barbers and Cosmetologists, Board of Behavioral Health, Board of Chiropractors, Board of Clinical Laboratory Science Practitioners, Board of Dentistry, State Electrical Board, Board of Funeral Service, Board of Hearing Aid Dispensers, Board of Massage Therapy, Board of Medical Examiners, Board of Nursing, Board of Nursing Home Administrators, Board of Occupational Therapy Practice, Board of Optometry, Board of Outfitters, Board of Pharmacy, Board of Physical Therapy Examiners, Board of Plumbers, Board of Private Security, Board of Professional Engineers and Professional Land Surveyors, Board of Psychologists, Board of Public Accountants, Board of Radiologic Technologists, Board of Real Estate Appraisers, Board of Realty Regulation, Board of Respiratory Care Practitioners, Board of Sanitarians, Board of Speech-Language Pathologists and Audiologists, Board of Veterinary Medicine, and the Department) Notice of Public Hearing on Proposed Amendment and Adoption - Nonroutine Applications and Criminal Convictions. 290-327

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-59-607 Notice of Adoption, Amendment, and Repeal - Activities of Loan Production Offices - Assessments - Dividends - Conversion Applications - Merger Applications - Examination Fees for Trust Companies. 328

LABOR AND INDUSTRY, Department of, Title 24

24-180-50 (Board of Plumbers) Notice of Amendment - Fee Schedule - Temporary Exceptions - Renewal of Endorsement - Continuing Education Requirements. 329

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-22-210 Notice of Adoption - Rangeland Management. 330

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-940 Notice of Amendment - Licensed Marriage and Family Therapists - Policy Changes for Medication Assisted Treatment. 331-333

37-941 Notice of Decision on Proposed Amendment - Update of Effective Dates and Inclusion of Medicaid Manual Changes. 334

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee.	335-336
How to Use ARM and MAR.	337
Recent Rulemaking by Agency.	338-344
Executive Branch Appointees.	345-350
Executive Branch Vacancies.	351-377

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 8.94.3728 pertaining to the ) PROPOSED AMENDMENT  
administration of the Federal )  
Community Development Block Grant )  
(CDBG) Program – Planning Grants )

TO: All Concerned Persons

1. On April 16, 2021, at 10:00 a.m., the Department of Commerce will hold a public hearing by conference call, 1-877-273-4202, conference room 7865396, to consider the proposed amendment of the above-stated rule.

2. The Department of Commerce 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 Department of Commerce no later than 5:00 p.m., April 14, 2021, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail [docadministrativerules@mt.gov](mailto:docadministrativerules@mt.gov).

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

8.94.3728 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – PLANNING GRANTS (1) The Department of Commerce adopts and incorporates by reference the ~~2020~~ Community Development Block Grant Program Community Planning Grant Application Guidelines, Grant Administration, and Application as rules for the administration of the ~~2020~~ Community Development Block Grant (CDBG) Program.

(2) The rules incorporated by reference in (1) relate to the scope and procedures for the award, administration, monitoring, and close-out of matching planning grants to cities, towns, counties, consolidated governments, county or multicounty water, wastewater or solid waste districts, and tribal governments.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the web site at <http://comdev.mt.gov/Programs/CDBG/PlanningActivities/Applying>.

AUTH: 90-1-103, MCA  
IMP: 90-1-103, MCA

REASON: It is reasonably necessary to amend this rule because the department must update the Community Development Block Grant Program Community Planning Grant Application Guidelines, Grant Administration, and Application to update the application cycle and the federal regulations governing the state's administration of the Community Development Block Grant Program (CDBG) and 90-1-103, MCA, require the department to adopt rules to implement the program.

4. 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 the Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail docadministrativerules@mt.gov, and must be received no later than 5:00 p.m., April 23, 2021.

5. The Office of Legal Affairs, Department of Commerce, has been designated to preside over and conduct this hearing.

6. The department 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 listed in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Amy Barnes  
Amy Barnes  
Rule Reviewer

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

Certified to the Secretary of State on March 16, 2021.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY,  
ALTERNATIVE HEALTH CARE BOARD, BOARD OF ARCHITECTS AND  
LANDSCAPE ARCHITECTS, BOARD OF ATHLETIC TRAINERS, BOARD OF  
BARBERS AND COSMETOLOGISTS, BOARD OF BEHAVIORAL HEALTH,  
BOARD OF CHIROPRACTORS, BOARD OF CLINICAL LABORATORY SCIENCE  
PRACTITIONERS, BOARD OF DENTISTRY, STATE ELECTRICAL BOARD,  
BOARD OF FUNERAL SERVICE, BOARD OF HEARING AID DISPENSERS,  
BOARD OF MASSAGE THERAPY, BOARD OF MEDICAL EXAMINERS, BOARD  
OF NURSING, BOARD OF NURSING HOME ADMINISTRATORS, BOARD OF  
OCCUPATIONAL THERAPY PRACTICE, BOARD OF OPTOMETRY, BOARD OF  
OUTFITTERS, BOARD OF PHARMACY, BOARD OF PHYSICAL THERAPY  
EXAMINERS, BOARD OF PLUMBERS, BOARD OF PRIVATE SECURITY, BOARD  
OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS,  
BOARD OF PSYCHOLOGISTS, BOARD OF PUBLIC ACCOUNTANTS, BOARD OF  
RADIOLOGIC TECHNOLOGISTS, BOARD OF REAL ESTATE APPRAISERS,  
BOARD OF REALTY REGULATION, BOARD OF RESPIRATORY CARE  
PRACTITIONERS, BOARD OF SANITARIANS, BOARD OF SPEECH-LANGUAGE  
PATHOLOGISTS AND AUDIOLOGISTS, BOARD OF VETERINARY MEDICINE  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF PUBLIC HEARING ON
24.111.407, 24.118.502, 24.121.406,	)	PROPOSED AMENDMENT AND
24.126.301, 24.129.606, 24.138.304,	)	ADOPTION
24.141.509, 24.155.613, 24.159.403,	)	
24.162.503, 24.165.302, 24.168.407,	)	
24.171.403, 24.180.405, 24.182.508,	)	
24.189.613, 24.189.911, 24.201.532,	)	
24.210.301, 24.210.418, 24.222.405,	)	
and 24.225.425, and the adoption of	)	
New Rules I through XLVIII pertaining	)	
to nonroutine applications and criminal	)	
convictions	)	

TO: All Concerned Persons

1. On April 16, 2021, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment and adoption 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/98022859401>  
Meeting ID: 980 2285 9401, Passcode: 804677; or
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656  
Meeting ID: 980 2285 9401, Passcode: 804677.

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 Business Standards Division (division) no later than 5:00 p.m., on April 9, 2021, to advise us of the nature of the accommodation that you need. Please contact Debra Morrell, Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; telephone (406) 841-2367; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2313; or [dmorrell@mt.gov](mailto:dmorrell@mt.gov).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: In response to recent legislation in other states prohibiting licensing agencies from outright banning professional licensure for applicants with criminal convictions, the department concluded that legislative change is not necessary in Montana because Mont. Const. Art. II, Sec. 28 of the Montana Constitution and Title 37, chapter 1, part 2, MCA, already prohibit these blanket bans and instead require boards to apply relevancy and rehabilitation standards to these licensing decisions.

In MAR Notice No. 24-101-309, effective 11/21/2020, the department adopted a new rule and amended the definitions of "routine" and "nonroutine" applications in the business standards division rules. The new rule, ARM 24.101.406, sets forth the standardized division processes and criteria to apply when considering applications containing criminal convictions. The new rule utilizes the amended definitions to authorize and guide staff to issue licenses with no evidence contradicting an applicant's rehabilitation, while still allowing staff to identify egregious cases that require board review. The division rule changes uniformly and consistently inform potential applicants, the public, and future board members and staff on these licensure standards.

As part of the department's ongoing mission to standardize and simplify the administrative services provided to all licensure boards, staff created a uniform procedure for processing applications with criminal convictions which was recently presented to the boards. Staff also recommended changes to the boards' rules to align with and facilitate the standard procedure by adopting and incorporating the division definitions and criminal convictions rule. The suggested rule changes will create a standard formula for boards to exclude consideration of convictions that are older and less serious where the applicant appears to be rehabilitated.

While boards retain discretion to adopt different time elapse limitations than in ARM 24.101.406, or give more scrutiny to specific convictions of concern to a board, adopting the division rule changes will provide a consistent framework and terminology to standardize and increase efficiency in licensure operations, and reduce costs and processing time of routine applications. Therefore, for efficiency and cost savings the department is publishing this single notice containing similar rule changes proposed by all 32 licensing boards to align with and further facilitate the division's standard procedure for applicants with criminal convictions. Where



additional specific bases for a proposed action exist, the individual board will identify those reasons immediately following that rule.

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

4. Each board proposing to adopt and amend rules is listed in alphabetical order. New and amended rules are intermingled in this section instead of being grouped by action type. This format is being used to keep all rule changes pertaining to a specific board together to aid licensees, the public, board members, and department staff. The rules proposed to be amended are shown with stricken matter interlined, new matter underlined.

## ALTERNATIVE HEALTH CARE BOARD

24.111.407 NONROUTINE APPLICATIONS (1) ~~All applications for direct-entry midwife licensure and direct-entry midwife apprentice Level III-A and Level III-B licensure must be considered nonroutine in nature and will be reviewed and approved by the board prior to issuance of the license. For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.~~

(2) ~~An application for direct-entry midwife apprentice Level I or Level II licensure will be considered nonroutine in nature and will be reviewed and approved by the board prior to issuance of the license if the applicant: Nonroutine applications must be reviewed and approved by the board before a license may be issued.~~

~~(a) has a prior felony conviction of any nature. Any disposition in a criminal case other than acquittal will be deemed a "conviction" for purposes of this rule without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence;~~

~~(b) has had two or more alcohol-related convictions over any period of time or has had one alcohol-related conviction within the past five years;~~

~~(c) has had any occupational or professional licenses disciplined or has voluntarily surrendered any occupational or professional license in another state or jurisdiction;~~

~~(d) has a pending or completed legal or disciplinary action involving licensure in this state, another state, or jurisdiction;~~

~~(e) has a supervisor or proposed supervisor who has had an occupational or professional license disciplined or voluntarily surrendered in this state or another jurisdiction; or~~

~~(f) has presented an application with any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

~~(3) An application for naturopathic physician licensure must be considered nonroutine in nature requiring board review and approval prior to issuance of the license if it discloses:~~

~~(a) that the applicant has a prior felony conviction of any nature or a prior misdemeanor conviction relating to sex, drugs, or violence. Any disposition in a~~

~~criminal case other than acquittal will be deemed a "conviction" for purposes of this rule without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence;~~

~~(b) that the applicant has had two or more alcohol related convictions over any period of time or has had one alcohol related conviction within the past five years;~~

~~(c) that the applicant's health care professional license was disciplined or was voluntarily surrendered in another state or jurisdiction;~~

~~(d) that the applicant's education program does not have board approval and accreditation or preaccreditation status from the Council on Naturopathic Medicine Education (CNME);~~

~~(e) that the applicant passed a licensing examination other than NPLEX; or~~

~~(f) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-26-201, 37-27-105, MCA~~

IMP: ~~37-1-101, 37-1-131, 37-26-401, 37-26-402, 37-26-403, 37-26-405, 37-27-201, 37-27-203, 37-27-205, MCA~~

NEW RULE I (ARM 24.111.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

ALTERNATIVE HEALTH CARE BOARD  
SHEEHAN EDNIE-ROSEN, DEM  
PRESIDING OFFICER

#### BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS

NEW RULE II (ARM 24.114.xxx) NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE III (ARM 24.114.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF ARCHITECTS AND  
LANDSCAPE ARCHITECTS  
DALE NELSON  
PRESIDENT

BOARD OF ATHLETIC TRAINERS

24.118.502 DEFINITION OF NONROUTINE APPLICATIONS (1) ~~The board considers the following as nonroutine applications for athletic trainer licensure that require full board review and approval: For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.~~

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) applications containing any of the criteria in the division's definition of nonroutine application in ARM 24.101.402; or~~

~~(b) applications that disclose:~~

~~(i) an applicant having prior felony convictions of any nature, or prior misdemeanor convictions relating to sex, drugs, or violence;~~

~~(ii) an applicant having two or more alcohol-related convictions over any period of time, or one alcohol-related conviction within the past five years; or~~

~~(iii) that an applicant's professional license in this or another state or jurisdiction was disciplined or voluntarily surrendered.~~

AUTH: 37-1-131, ~~37-36-102~~, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE IV (ARM 24.118.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF ATHLETIC TRAINERS  
JANET TRETHEWEY  
CHAIRPERSON

BOARD OF BARBERS AND COSMETOLOGISTS

24.121.406 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

(3) A booth rental application is routine if the applicant holds a current practice license and is not restricted from working as a booth renter.

~~(1) The board shall review an application containing any of the following criteria:~~

~~(a) criminal convictions and charges:~~

~~(i) a felony conviction of any nature if the sentence imposed for any such conviction has not been fully discharged or if the conviction was entered within the past ten years;~~

~~(ii) any conviction involving use or sale of drugs, fraud, deceit, or theft, pursuant to 37-1-316(1), MCA, if the sentence imposed for any such conviction has not been fully discharged or if the conviction was entered within the past five years;~~

~~(iii) a misdemeanor conviction relating to sex or violence, or three or more misdemeanor convictions if the sentence imposed for any such conviction has not been fully discharged or if the convictions were entered within the past five years;~~

~~(iv) a pending criminal charge if, as a conviction, it would cause the application to be "nonroutine" under (a)(i) through (iii); or~~

~~(v) for the purposes of this rule, a criminal charge resulting in a deferred sentence that has not been discharged as of the date of application is considered a conviction for purposes of determining whether the application is nonroutine. Misdemeanor traffic convictions not involving alcohol or drugs will not cause an application to be considered nonroutine.~~

~~(b) other unprofessional conduct:~~

~~(i) an investigation, complaint, consent agreement, or disciplinary action involving the applicant that either:~~

~~(A) resulted in a license or license application that was revoked, suspended, denied, withdrawn, or surrendered; or that was placed on probation or subjected to any condition or restriction for the period of two or more years; or~~

~~(B) resulted in a license or license application that is currently encumbered by a disciplinary sanction, meaning conditions imposed on the license have not been satisfied or are ongoing if the action was based upon the applicant's underlying conduct and not based on another state's or jurisdiction's disciplinary action; or~~

~~(ii) the applicant was diagnosed with an addiction or participated in a chemical dependency or other addiction treatment program within three years of submitting application. However, if treatment has been successfully completed and any recommended follow-up is being complied with, the department may consider the application routine;~~

~~(iii) the applicant answered "yes" on the application regarding a diagnosis for a physical condition or mental health disorder involving a potential health risk to the public; or~~

~~(iv) for a salon operating on a temporary practice permit, an inspection report reflecting three or more sanitation violations, prohibited items, use of machines outside of scope, permitting unlicensed practice, or other grounds constituting unprofessional conduct.~~

~~(c) education:~~

~~(i) the applicant's barbering, cosmetology, electrology, esthetics, or manicuring education was obtained in a foreign jurisdiction other than Canada;~~

~~(d) application discrepancies:~~

- ~~(i) failure to accurately and completely respond to a question on the application form. The department may treat an application as routine under this subsection if the department receives an adequate explanation for such a failure;~~  
~~(ii) the department may, but is not required to, submit an otherwise "routine" application for board review if:~~  
~~(A) questions arise whether the applicant meets all requirements for licensure, including, but not limited to, the demonstration of good moral character; or~~  
~~(B) inconsistencies, irregularities, or other matters of concern, including but not limited to allegations of unlicensed practice, exist in the application or related documentation;~~  
~~(e) with the exception of instructor and school licenses, an application will be deemed "routine" if it is "nonroutine" under this policy, based on information previously considered by the board, relative to a prior application that resulted in the issuance of an unencumbered license or if it resulted in a complaint that was resolved without discipline; or~~  
~~(f) a booth rental application is always routine, so long as the applicant holds a current practice license and is not restricted from working as a booth renter.~~

AUTH: 37-1-131, ~~37-31-203~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-31-203~~, MCA

REASON: To be consistent with ARM 24.121.1301, the board is clarifying in (3) that all alleged violations against a booth renter are processed against the practice license.

NEW RULE V (ARM 24.121.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modifications:

- (a) Violent misdemeanor or felony convictions in (6) are routine if the conviction date is more than ten years before the application date, unless the applicant is still in custody due to the conviction or staff otherwise determines the applicant engaged in egregious conduct implicating risk to public safety; and/or  
(b) The criteria described in ARM 24.121.406(3).

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

REASON: The board determined it is reasonably necessary to redefine the period of time in which the board will require review of violent misdemeanors or felony convictions relevant to licensure in (1)(a). This change will further implement licensing reformation which recognizes that even though an applicant may have committed violent felonies or misdemeanors in the past, applicants can and do reform their lives. The board concluded that requiring all prior offenders to appear before the board prior to license issuance fails to acknowledge that potential. The board will still maintain the ability to require board review for egregious conduct implicating risks to public safety.

It is reasonably necessary to include the criteria cited in (1)(b) because the board is again clarifying that all alleged violations against a booth renter, including allegations involving criminal convictions, are processed against the practice license.

BOARD OF BARBERS AND  
COSMETOLOGISTS  
ANGELA PRINTZ  
PRESIDENT

BOARD OF BEHAVIORAL HEALTH

NEW RULE VI (ARM 24.219.xxx) NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

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

NEW RULE VII (ARM 24.219.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

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

BOARD OF BEHAVIORAL HEALTH  
ELAINE MARONICK, LCPC, LMFT  
CHAIRPERSON

BOARD OF CHIROPRACTORS

24.126.301 DEFINITIONS (1) through (4) remain the same.

~~(5) "Nonroutine application" means an application submitted to the division in which the application is defined as nonroutine either by ARM 24.101.402 or by these rules.~~

~~(a) A nonroutine application means that according to the application, the applicant reveals that one or more of the following scenarios apply to the applicant:~~

~~(i) they have voluntarily surrendered, cancelled, forfeited, or failed to renew a license as a result of any of the following:~~

~~(A) a complaint filed against them;~~

~~(B) a consent agreement; or~~

~~(C) an investigation or disciplinary proceedings;~~

~~(ii) they have voluntarily or involuntarily surrendered their privileges to provide services to health maintenance organizations, Medicare/Medicaid, or other payers, or have voluntarily or involuntarily surrendered hospital privileges, health~~

~~maintenance organization participation, Medicare/Medicaid, or other payers during a pending investigation or in anticipation of an investigation, or have had such privileges reprimanded, denied, restricted, suspended, placed on probation, revoked, or subjected to other sanction or action;~~

~~(iii) they have been expelled from or asked to resign from any professional organization, or have been censured by a professional organization;~~

~~(iv) they have had civil or criminal charges pending or have pleaded guilty, forfeited bond, or been convicted of a crime (including plea of no contest or deferred prosecution), whether or not an appeal is pending, with the exception of the following:~~

~~(A) minor in-possession charges or convictions;~~

~~(B) one misdemeanor committed more than five years ago; or~~

~~(C) traffic offenses, unless the illegal use or possession of alcohol or drugs are involved;~~

~~(v) the applicant's health care professional license was disciplined or was voluntarily surrendered in another state or jurisdiction; and~~

~~(vi) there are inconsistencies in the application or in the supporting documentation of the application, or any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

~~(6) remains the same but is renumbered (5).~~

AUTH: 37-1-131, 37-1-319, 37-12-201, MCA

IMP: 37-1-131, 37-12-104, 37-12-201, MCA

NEW RULE VIII (ARM 24.126.xxx) NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE IX (ARM 24.126.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF CHIROPRACTORS  
MARCUS NYNAS, DC  
PRESIDENT

BOARD OF CLINICAL LABORATORY SCIENCE PRACTITIONERS

24.129.606 NONROUTINE APPLICATIONS (1) Applications for licensure that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued: For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) the applicant has a prior felony conviction within the previous ten years. Any disposition in a criminal case other than acquittal will be deemed a "conviction" for purposes of this rule without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence;~~

~~(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;~~

~~(c) any of the applicant's occupational or professional licenses have been disciplined or an application for a license was denied in this state, another state, or jurisdiction;~~

~~(d) the applicant has a pending legal or disciplinary action involving licensure in this state, another state, or jurisdiction;~~

~~(e) the applicant has been a respondent in a complaint for unlicensed practice of clinical laboratory science in this state, another state, or jurisdiction that led to communication from the licensing authority to cease and desist or an injunctive action; or~~

~~(f) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-34-201, 37-34-303, MCA~~

IMP: 37-1-101, 37-1-131, ~~37-34-303, 37-34-305, MCA~~

NEW RULE X (ARM 24.129.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF CLINICAL LABORATORY  
SCIENCE PRACTITIONERS  
MATTHEW KALANICK  
CHAIRPERSON

BOARD OF DENTISTRY

24.138.304 DEFINITION OF NONROUTINE APPLICATIONS

(1) ~~"Nonroutine application" means an application defined as nonroutine by ARM 24.101.402 or this rule.~~ For the purpose of processing nonroutine applications,



the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) A nonroutine application reveals that the applicant:~~

~~(i) voluntarily surrendered, canceled, forfeited, or failed to renew a license as a result of any of the following:~~

~~(A) a complaint filed against the applicant;~~

~~(B) a consent agreement; or~~

~~(C) an investigation or disciplinary proceedings;~~

~~(ii) voluntarily or involuntarily surrendered privileges to provide services to health maintenance organizations, Medicare/Medicaid, or other payers, or voluntarily or involuntarily surrendered hospital privileges, health maintenance organization participation, Medicare/Medicaid, or other payers during a pending investigation or in anticipation of an investigation, or had such privileges reprimanded, denied, restricted, suspended, placed on probation, revoked, or subjected to other sanction or action;~~

~~(iii) was expelled from or asked to resign from any professional organization, or was censured by a professional organization;~~

~~(iv) had civil or criminal charges pending or pleaded guilty, forfeited bond, or was convicted of a crime (including plea of no contest or deferred prosecution), whether an appeal is pending, with the exception of the following:~~

~~(A) minor in possession charges or convictions;~~

~~(B) one misdemeanor committed more than five years ago; or~~

~~(C) traffic offenses, unless the illegal use or possession of alcohol or drugs was involved; or~~

~~(v) had a health care professional license disciplined or voluntarily surrendered in this state or another state or jurisdiction.~~

~~(b) Department staff may also determine that applications with inconsistencies or substantive irregularities require board review and approval prior to license issuance.~~

~~(2) The board may also consider applications as nonroutine in the following instances:~~

~~(a) the applicant does not meet the license criteria in the specified statute or rule regarding licensure;~~

~~(b) the dental hygiene credentialing applicant does not meet the practice hours required by board rule;~~

~~(c) the applicant has graduated from a nonaccredited school as defined by board statute or rule; or~~

~~(d) any other criteria as determined by the board.~~

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

IMP: 37-1-101, 37-1-131, ~~37-4-301, 37-4-402, 37-29-306, MCA~~

NEW RULE XI (ARM 24.138.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modifications:

(a) Nonviolent misdemeanor convictions involving driving under the influence (DUI) in (5)(a) are routine if the conviction date is more than five years before the application date, unless the applicant is still in custody due to the conviction.

(b) Nonviolent felony convictions under (5)(b) are routine if the conviction date is more than ten years before the application date, unless the applicant is still in custody due to the conviction.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

REASON: The board determined that misconduct by its licensees poses an acute risk to public safety given the intimate nature of dental practice and the trust placed in licensees by their patients. Therefore, the board is redefining the period of time in which the board will require review of nonviolent misdemeanors or felony convictions relevant to licensure.

The board is particularly concerned about alcohol and drug abuse by potential licensees. In the board's experience, substance abuse issues account for a significant portion of applicant misconduct, and also in licensees before the board in disciplinary matters. Furthermore, licensed dentists and dental hygienists often have access to controlled substances through their professions. Dentists often have the authority to prescribe controlled substances which increases the risks to the public posed by licensees with substance abuse problems. Because recent DUI convictions are potentially indicative of a substance abuse problem, and given the risks posed by such problems, the board determined it is reasonably necessary to review applicants with nonviolent misdemeanor DUI convictions within the past five years. The board concluded that five years without a DUI conviction is a sufficiently lengthy period to ensure rehabilitation and safe practices and is adding (1)(a) accordingly.

The risks associated with substance abuse also form part of the basis for the board's decision concerning nonviolent felony convictions. In particular, felony drug convictions may indicate a serious substance abuse problem meriting board review. Moreover, the board concluded that other nonviolent felony offenses also are potentially significant to public safety in the context of dental practice. Dental patients are vulnerable to licensees not only physically but also financially, as licensees often have access to patients' sensitive medical and financial information. In addition, as Medicaid providers, many licensees occupy a position of trust relative to the federal government and federal taxpayers. These circumstances make the honesty and integrity of dental licensees especially important. Many nonviolent and non-drug-related felony offenses relate to dishonesty, deception, or the misappropriation or destruction of another's property. For these reasons, the board is adding (1)(b) to require review of applicants with nonviolent felony convictions within the past ten years. The board concluded that ten years without a nonviolent felony conviction is a sufficiently lengthy period to ensure an applicant is rehabilitated and can safely practice.

BOARD OF DENTISTRY  
LESLIE HAYES, DDS

PRESIDENT

STATE ELECTRICAL BOARD

24.141.509 NONROUTINE APPLICATIONS (1) ~~Applications for initial licensure or renewal that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued or renewed: For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.~~

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) the applicant's electrician's license was disciplined or the application for an electrician's license was denied in another state or jurisdiction;~~

~~(b) the applicant has been convicted of a felony for which the applicant is currently on probation or is otherwise under supervision;~~

~~(c) the applicant has been convicted of any of the following felonies committed within the past five years, regardless of whether the applicant is currently on probation:~~

~~(i) property crimes including, but not limited to, theft or burglary; or~~

~~(ii) crimes of violence including, but not limited to, assault or rape.~~

~~(2) For purposes of this rule, any judgment in a criminal case other than acquittal will be deemed a "conviction" for purposes of this rule, without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence.~~

AUTH: 37-1-131, ~~37-68-201~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-68-201~~, ~~37-68-311~~, MCA

NEW RULE XII (ARM 24.141.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

STATE ELECTRICAL BOARD  
HARRY FREEBOURN  
PRESIDENT

BOARD OF FUNERAL SERVICE

NEW RULE XIII (ARM 24.147.xxx) NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

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

NEW RULE XIV (ARM 24.147.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

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

BOARD OF FUNERAL SERVICE  
JOHN TARR  
PRESIDING OFFICER

#### BOARD OF HEARING AID DISPENSERS

NEW RULE XV (ARM 24.150.xxx) NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

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

NEW RULE XVI (ARM 24.150.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

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

BOARD OF HEARING AID  
DISPENSERS  
MICHAEL SPINTI  
PRESIDING OFFICER

#### BOARD OF MASSAGE THERAPY

24.155.613 NONROUTINE APPLICATIONS (1) ~~An application for licensure as a massage therapist must be considered nonroutine in nature requiring board review and approval prior to issuance of the license if the application discloses:~~ For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference with the following modification:

- ~~(a) a total of three or more currently pending charges or past convictions of misdemeanor crimes related to the practice of massage therapy or involving violence, use or sale of drugs, fraud, deceit, or theft if the applicant was sentenced for the past convictions within the five years before the board received the application;~~
- ~~(b) a pending charge of any felony crime or a past conviction of any felony crime for which the applicant was either sentenced within the ten years before the date the board received the application or for which the sentence has not been fully satisfied and discharged;~~
- ~~(c) a pending charge of any crime or a past conviction of any crime relating to sex;~~
- ~~(d) that any professional license held by the applicant was disciplined or was voluntarily surrendered in another state or jurisdiction, or that the applicant's massage therapy license was denied in another state or jurisdiction;~~
- ~~(e) that the applicant's education program does not clearly meet the board's requirements;~~
- ~~(f) that the applicant passed a licensing examination other than MBLEx, NCETMB, NESL, or NCETM;~~
- ~~(g) (a) that the applicant has Applications in which the applicant has, in the preceding five years, been a respondent in a complaint for unlicensed practice of massage therapy that led to a cease and desist letter or an injunctive action are considered nonroutine. ; or~~
- ~~(h) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~
- ~~(2) Any disposition in a criminal case other than acquittal will be deemed a "conviction" for purposes of this rule without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence.~~
- (2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, ~~37-33-405~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-33-501, 37-33-502~~, MCA

REASON: The board determined it is reasonably necessary to incorporate the division's definitions with the addition of a five-year look back for involvement in unlicensed practice complaints. In comparison to other professions, this profession experiences a higher volume of applicants who were previously respondents in complaints regarding the unlicensed practice of massage therapy. The board believes including these applications as nonroutine and requiring board review for licensure will enhance the public's protection.

NEW RULE XVII (24.155.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF MASSAGE THERAPY  
ELIZABETH CAVIN, ND  
CHAIRPERSON

BOARD OF MEDICAL EXAMINERS

NEW RULE XVIII (ARM 24.156.4XX) NONROUTINE APPLICATIONS

(1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

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

NEW RULE XIX (ARM 24.156.4XX) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modification:

(a) Nonviolent misdemeanor convictions involving driving under the influence (DUI) in (5)(a) are routine if the conviction date is more than five years before the application date, unless the applicant is still in custody due to the conviction.

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

REASON: In Montana, first, second, and third DUIs are misdemeanor offenses. Under ARM 24.101.406, an applicant could have a second or third offense DUI two years and one day prior to application, which implicates substance abuse issues, and the board would be unaware of the potential need for monitoring of the applicant to protect the public. Second, scientific studies have shown that the risk of relapse for individuals with substance abuse issues remains high after only two years of sobriety but drops significantly after five years. If an applicant maintains sobriety for five years prior to application, the board concluded the applicant has demonstrated a greater degree of rehabilitation and is at lower risk of relapse than an applicant with only two years' sobriety. Licensed physicians, podiatrists, physician assistants, and emergency care providers also have significant access to, and possible prescriptive authority for, controlled substances through their professions which could increase the relapse risk and, in turn, endanger public safety and welfare. Finally, ECPs who regularly operate emergency response vehicles and have substance abuse issues are highly concerning to the board in the interest of public safety and welfare. The board determined it is reasonably necessary to review applicants with misdemeanor DUI convictions within the past five years rather than the past two.

BOARD OF MEDICAL EXAMINERS  
TAMMY SCOTT, PA-C

PRESIDENT

BOARD OF NURSING

24.159.403 NONROUTINE APPLICATIONS (1) ~~The department may investigate license applications, and require the release of pertinent information or records, to assist the board in determining whether an applicant:~~ For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) meets licensure qualifications;~~

~~(b) is physically or mentally impaired through habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance to the extent that the use impairs the applicant in the performance of licensed professional duties;~~

~~(c) is impaired by mental illness or chronic physical illness that renders the applicant unable to practice nursing with reasonable skill and safety; or~~

~~(d) has past behavior constituting grounds for disciplinary action and denial or issuance of a probationary license per 37-1-137, MCA.~~

~~(2) The board shall review and make final licensing decisions on all nonroutine applications, which are applications having one or more of the following:~~

~~(a) license discipline, involving any professional license of the applicant, in this state, or another state, territory, country, or jurisdiction, that:~~

~~(i) is unresolved at the time of board review; or~~

~~(ii) resulted in conditions or restrictions against the license or the licensee that are not yet satisfied or discharged;~~

~~(b) voluntary or involuntary surrender of, or the placement of restrictions on the applicant's:~~

~~(i) hospital privileges;~~

~~(ii) health maintenance organization participation;~~

~~(iii) Medicaid/Medicare privileges; or~~

~~(iv) privilege to prescribe or dispense medications;~~

~~(c) diagnosis or other information indicating the applicant's physical or mental impairment by mental illness or chronic physical illness, and for which:~~

~~(i) treatment is ongoing; or~~

~~(ii) symptoms currently exist;~~

~~(d) diagnosis or other information indicating the applicant's physical or mental impairment by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance;~~

~~(e) the applicant's participation in a medical assistance program, known as NAP per subchapter 20 of these rules, or in an addiction treatment program, in this or any other state, territory, or jurisdiction within the past five years;~~

~~(f) the applicant's conviction of:~~

~~(i) a felony crime, unless the conviction occurred more than ten years prior to the date of application and all court-ordered conditions have been fully satisfied or discharged;~~

~~(ii) any crime involving the abuse of children, the elderly, or the disabled, or involving sexual abuse or assault;~~

~~(iii) any crime involving fraud, deceit, theft, or violence, or directly related to or committed during the course of the applicant's licensed practice, unless the conviction occurred more than five years ago and all court-ordered conditions have been fully satisfied or discharged; or~~

~~(iv) two or more misdemeanor convictions involving the use or sale of drugs or alcohol within five years of the date of application;~~

~~(g) the applicant settled or was adjudged liable for a claim of malpractice; or~~

~~(h) the applicant is unable to produce documentation of licensure requirements.~~

~~(3) An application deemed "nonroutine" under (2), based upon matters involving criminal convictions related to the use or sale of drugs or alcohol, substance use disorder/chemical dependency, or mental health, shall be resolved as follows:~~

~~(a) The department may issue a license to an applicant who:~~

~~(i) has satisfied or discharged all conditions of court-ordered sanctions;~~

~~(ii) was not subject to any finding of substance use disorder/chemical dependency; and~~

~~(iii) had no more than two drug or alcohol-related misdemeanor convictions within the past five years.~~

~~(b) The department may issue a license to an applicant with a finding of substance use disorder/chemical dependency if:~~

~~(i) the applicant completed all treatment requirements at least five years ago, including but not limited to monitoring requirements of this or any other state, territory, country, or jurisdiction; and~~

~~(ii) no relapses, no criminal charges filed, and no legal interventions in the past five years, including but not limited to domestic violence or employment actions.~~

~~(c) The Nurses Assistance Program (NAP) shall review all applications that do not result in issuance of a license under (a) or (b) as follows:~~

~~(i) NAP may seek additional documentation from the applicant;~~

~~(ii) NAP may request an applicant to consent to assessments and evaluations; and~~

~~(iii) NAP shall provide recommendations and rationale to the board including:~~

~~(A) an applicant's suitability for the NAP alternative track; or~~

~~(B) the necessity for further assessments or evaluation for substance use disorder/chemical dependency or mental health issues.~~

~~(4) The department may, but is not required to, submit any routine application for board review if the department finds inconsistencies, irregularities, or other matters of concern in the application or related documentation.~~

AUTH: 37-1-131, ~~37-8-202~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-8-405, 37-8-406, 37-8-415, 37-8-416, 37-8-421~~, MCA



NEW RULE XX (ARM 24.159.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modifications:

(a) Nonviolent misdemeanor convictions involving use or sale of drugs or alcohol in (5)(a) are nonroutine and will be processed under NEW RULE XXI (ARM 24.159.xxx) if those convictions totaled two or more for which the conviction date is five years or less from the application date.

(b) Nonviolent felony convictions involving use or sale of drugs or alcohol in (5)(b) are nonroutine and will be processed under NEW RULE XXI (ARM 24.159.xxx) if the conviction date is ten years or less from the application date.

(c) Violent misdemeanor or felony convictions in (6) are routine if the conviction date is more than ten years before the application date, unless the applicant is still in custody due to the conviction or staff otherwise determines the applicant engaged in egregious conduct implicating risk to public safety.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

REASON: See REASON for NEW RULE XXI regarding proposed (1)(a) and (b).

The board determined it is reasonably necessary to redefine the period of time in which the board will require review of violent misdemeanors or felony convictions relevant to licensure in (1)(c). This change will further implement licensing reformation which recognizes that even though an applicant may have committed violent felonies or misdemeanors in the past, applicants can and do reform their lives. The board concluded that requiring all prior offenders to appear before the board prior to license issuance fails to acknowledge that potential. The board will still maintain the ability to require board review for egregious conduct implicating risks to public safety.

NEW RULE XXI (ARM 24.159.xxx) APPLICANTS WITH EVIDENCE OF IMPAIRMENT BY SUBSTANCE USE (1) An application deemed "nonroutine" under ARM 24.159.403 or NEW RULE XX (ARM 24.159.xxx), based upon matters involving criminal convictions related to the use or sale of drugs or alcohol, or substance use disorder/chemical dependency, shall be resolved as follows:

(a) The department may issue a license to an applicant who:

(i) has satisfied or discharged all conditions of court-ordered sanctions; and

(ii) was not subject to any finding of substance use disorder/chemical dependency.

(b) The department may issue a license to an applicant with a finding of substance use disorder/chemical dependency if:

(i) the applicant completed all treatment requirements at least five years before the application date or successfully completed all monitoring requirements of this or any other state, territory, country, or jurisdiction; and

(ii) no criminal charges were filed, and no legal interventions occurred in the past five years, including but not limited to domestic violence or employment actions.

(c) The Nurses Assistance Program (NAP) shall review all applications that do not result in issuance of a license under (a) or (b) as follows:

- (i) NAP may seek additional documentation from the applicant;
- (ii) NAP may request an applicant to consent to assessments and evaluations; and
- (iii) NAP shall provide recommendations and rationale to the board including:
  - (A) an applicant's suitability for the NAP alternative track; or
  - (B) the necessity for further assessments or evaluation for substance use disorder/chemical dependency or mental health issues.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

REASON: The board recognizes substance use issues in licensees and license applicants that are distinctive to the practice of nursing. These issues gravely impact public health, safety, and welfare as it applies to the performance of nursing duties. When an application contains information of past substance use issues that may impair the applicant's practice, the board seeks to balance its mission to protect the public with recognition of the applicant's rehabilitative efforts and the therapeutic value of gainful employment. Therefore, the board is defining parameters for referring applicants to the board's assistance program to effectively investigate whether the applicant's substance use may constitute unprofessional conduct impairing the applicant's ability to practice safely. These clear parameters provide notice of the process to applicants and also assist department staff in determining nonroutine applications.

BOARD OF NURSING  
SHARON SWEENEY FEE, PHD, RN, CNE  
PRESIDENT

#### BOARD OF NURSING HOME ADMINISTRATORS

24.162.503 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

~~(1) (2) Applications for active or inactive licensure that disclose any of the following circumstances are nonroutine and Nonroutine applications must be reviewed and approved by the board before the a license may be issued:~~

~~(a) the applicant has a prior felony conviction;~~

~~(i) For purposes of this rule, "conviction" includes any disposition in a criminal case other than acquittal, without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence;~~

~~(b) the applicant has pled guilty or no contest to, or has been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;~~

~~(c) any of the applicant's occupational or professional licenses have been disciplined, or an application for a license was denied in this state, another state, or jurisdiction;~~

~~(d) the applicant has a pending or completed legal or disciplinary action involving licensure in this state, another state, or jurisdiction;~~

~~(e) the applicant has been a respondent in a complaint for unlicensed practice of nursing home administration in this state, another state, or jurisdiction that led to communication from the licensing authority to cease and desist or an injunctive action; or~~

~~(f) the application contains any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-9-203, 37-9-301~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-9-203, 37-9-301~~, MCA

NEW RULE XXII (ARM 24.162.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF NURSING HOME  
ADMINISTRATORS  
KATHRYN BEATY  
PRESIDING OFFICER

#### BOARD OF OCCUPATIONAL THERAPY PRACTICE

24.165.302 DEFINITIONS For the purpose of this chapter the following definitions apply:

(1) through (7) remain the same.

~~(8) "Nonroutine application" means an application for occupational therapist or occupational therapy assistant licensure that is considered nonroutine either by ARM 24.101.402 or these rules. Nonroutine applications require board review and approval prior to issuance of the license if the application shows:~~

~~(a) the applicant has a prior felony conviction of any nature or a prior misdemeanor conviction relating to sex, drugs, or violence. Any disposition in a criminal case other than acquittal will be deemed a "conviction" for purposes of this rule without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence;~~

~~(b) the applicant has had two or more alcohol-related convictions over any period of time, or has had one alcohol-related conviction within the past five years;~~

~~(c) the applicant's health care professional license was disciplined or was voluntarily surrendered in this state or another state or jurisdiction; or~~

~~(d) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

(9) through (12) remain the same but are renumbered (8) through (11).

AUTH: 37-1-131, 37-24-201, 37-24-202, MCA  
IMP: 37-1-101, 37-24-103, 37-24-105, 37-24-106, 37-24-107, 37-24-108,  
MCA

NEW RULE XXIII (ARM 24.165.xxx) NONROUTINE APPLICATIONS

(1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

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

NEW RULE XXIV (ARM 24.165.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

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

BOARD OF OCCUPATIONAL  
THERAPY PRACTICE  
TWYLLA KIRCHEN, OTR/L  
PRESIDING OFFICER, ACTING

BOARD OF OPTOMETRY

24.168.407 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

~~(1) (2) Applications for licensure that disclose any of the following circumstances are nonroutine and~~ Nonroutine applications must be reviewed and approved by the board before the a license may be issued;

~~(a) the applicant has ever been convicted of a felony;~~

~~(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;~~

~~(c) any of the applicant's occupational or professional licenses have been disciplined or an application for a license was denied in any state or jurisdiction;~~

~~(d) a pending or completed legal or disciplinary action involving licensure in this state, another state, territory, or jurisdiction; or~~

~~(e) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-10-202~~, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE XXV (ARM 24.168.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF OPTOMETRY  
DOUG KIMBALL, O.D.  
PRESIDENT

#### BOARD OF OUTFITTERS

24.171.403 NONROUTINE APPLICATIONS (1) ~~A nonroutine application means an application submitted to the board in which the applicant has one or more of the following: For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.~~

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) past convictions or pending charges of state or federal laws relative to fish, wildlife, or parks, but only if those convictions:~~

~~(i) ever resulted in the loss of privileges to hunt or fish;~~

~~(ii) totaled two or more for which the applicant was sentenced no earlier than five years before the board received the application; or~~

~~(iii) total more than three regardless of when the applicant was sentenced;~~

~~(b) a total of three or more currently pending charges or past convictions of misdemeanor crimes if the applicant was sentenced for the past convictions no earlier than five years before the board received the application;~~

~~(c) a diagnosis or other information indicating physical or mental impairment by mental illness or chronic physical illness that may adversely affect the applicant's ability to provide services safely, but only if either the treatment for which is ongoing or the symptoms of which currently exist;~~

~~(d) a pending charge of any felony crime or a past conviction of any felony crime for which the applicant was either sentenced no earlier than ten years before the date the board received the application or for which the sentence has not been fully satisfied and discharged;~~

~~(e) traffic-related convictions if the applicant is deemed a habitual offender on or after the date the board first received the application; or~~

~~(f) an outfitter or guide license in this or any other state that was ever suspended, revoked, surrendered, or subjected to restrictions or other sanctions of a similar gravity.~~

~~(2) The department may, but is not required to, submit any routine application for board review if the department finds inconsistencies, irregularities, or other~~

matters of concern in the application or in the documentation related to the application.

~~(3) For the purposes of this rule, any reference to "pending charges" shall include, but not be limited to, deferred prosecutions that have not been dismissed as of the date that the application is first submitted to the board.~~

~~(4)~~ (3) Applications that are nonroutine for an outfitter license for the same reason that they were nonroutine as a guide license are, ~~nonetheless,~~ also nonroutine for the outfitter license, which is a privilege to practice at a higher level of public trust.

AUTH: 37-1-131, ~~37-47-201~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-47-201~~, MCA

NEW RULE XXVI (ARM 24.171.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modifications:

(a) Nonviolent misdemeanor and felony convictions in (5) involving violations of laws relative to fish, wildlife, and parks are nonroutine if those convictions:

(i) ever resulted in the loss of privileges to hunt or fish; or

(ii) totaled two or more for which the conviction date is more than five years before the board received the application.

(b) Violent misdemeanor or felony convictions in (6) are routine if the conviction date is more than ten years before the application date, unless the applicant is still in custody due to the conviction or staff otherwise determines the applicant engaged in egregious conduct implicating risk to public safety.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

REASON: It is reasonably necessary to modify the department's rule in (1)(a) to allow more scrutiny for types of convictions that relate to the practice of outfitting and guiding. Under 37-47-343, MCA, the board has specific statutory authority when determining whether to grant or deny a license to consider convictions or bond forfeitures for fish and game violations. Therefore, the board is deviating from the standard department rule on criminal convictions to recognize its duty to consider these violations while also recognizing that the length of time since convictions were entered may show evidence of rehabilitation.

The board determined it is reasonably necessary to redefine the period of time in which the board will require review of violent misdemeanors or felony convictions relevant to licensure in (1)(b). This change will further implement licensing reformation which recognizes that even though an applicant may have committed violent felonies or misdemeanors in the past, applicants can and do reform their lives. The board concluded that requiring all prior offenders to appear before the board prior to license issuance fails to acknowledge that potential. The board will still maintain the ability to require board review for egregious conduct implicating risks to public safety.

BOARD OF OUTFITTERS  
JOHN WAY  
CHAIRPERSON

BOARD OF PHARMACY

NEW RULE XXVII (ARM 24.174.xxx) NONROUTINE APPLICATIONS

(1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

(3) A new application submitted by a business entity is nonroutine when the specific business or facility location applying for licensure, not the entire corporation or parent company, meets any of the nonroutine criteria established by ARM 24.101.402.

(a) A change of ownership application is nonroutine when the new owner listed on the application meets any of the nonroutine criteria established ARM 24.101.402.

(b) A change of location application is routine, provided the applicant meets the requirements in ARM 24.174.803, ARM 24.174.1004, or ARM 24.174.1207.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

REASON: It is reasonably necessary to modify the department's definitions by incorporating nonroutine rules regarding business entities, as the board licenses both individuals and entities and the definition of nonroutine in ARM 24.101.402 does not address business entities.

NEW RULE XXVIII (ARM 24.174.X XX) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF PHARMACY  
TONY KING, RPh  
PRESIDENT

BOARD OF PHYSICAL THERAPY EXAMINERS

NEW RULE XXIX (ARM 24.177.xxx) NONROUTINE APPLICATIONS

(1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE XXX (ARM 24.177.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF PHYSICAL THERAPY  
EXAMINERS  
KELSEY WADSWORTH, PT, DPT, OCS  
PRESIDING OFFICER

#### BOARD OF PLUMBERS

24.180.405 NONROUTINE APPLICATIONS (1) ~~Applications for licensure that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued:~~ For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) the applicant has ever been convicted of a felony;~~

~~(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;~~

~~(c) any of the applicant's occupational or professional licenses have been disciplined or an application for a license was denied in any state or jurisdiction; or~~

~~(d) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-69-202~~, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE XXXI (ARM 24.180.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA



BOARD OF PLUMBERS  
JEFF GRUIZENGA  
PRESIDING OFFICER

BOARD OF PRIVATE SECURITY

24.182.508 NONROUTINE APPLICATIONS (1) ~~The department shall process and issue licenses to all applicants who submit complete and routine applications. Complete applications that are nonroutine must be reviewed by the board to determine licensure. For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.~~

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(2) The board shall review an application containing any of the following criteria:~~

- ~~(a) the applicant's conviction, or pending criminal charge, of:
  - ~~(i) a felony crime, unless the conviction was dismissed by the court;~~
  - ~~(ii) any crime related to the illegal use or possession of a dangerous weapon, unless the conviction was dismissed by the court;~~
  - ~~(iii) a misdemeanor crime involving violence, use or sale of drugs, fraud, deceit, or theft, pursuant to 37-1-316(1), MCA, unless the conviction occurred more than five years before application and all court-ordered conditions have been satisfied, discharged, or dismissed; or~~
  - ~~(iv) two or more misdemeanor crimes that have occurred within five years of application, including the traffic-related crimes of reckless driving, driving under the influence (DUI), and hit-and-run;~~~~
- ~~(b) disciplinary action taken against a professional license held by the applicant in this state, another state, or other jurisdiction, in which:
  - ~~(i) the license was revoked, suspended, voluntarily or involuntarily surrendered, or placed on probation for three or more years; or~~
  - ~~(ii) the license is currently encumbered, meaning conditions imposed on the license have not been satisfied or are ongoing; and~~
  - ~~(iii) the disciplinary action originated in that state or jurisdiction because of the applicant's underlying conduct and not in response to another state or jurisdiction's disciplinary action;~~~~
- ~~(c) the applicant has been court-martialed or received a dishonorable discharge from any armed services branch;~~
- ~~(d) a malpractice judgment has been entered against the applicant related to the practice of private security;~~
- ~~(e) the applicant answered "yes" on the application to being diagnosed with chemical dependency or another addiction, or has participated in a chemical dependency or other addiction treatment program (excluding ACT or similar court-ordered program), any of which have occurred within five years of application;~~
- ~~(f) the applicant answered "yes" on the application regarding a diagnosis for a physical condition or mental health disorder involving potential health risk to the public; or~~

~~(g) the applicant failed to disclose a criminal conviction on the application that was discovered during the background check and the criminal conviction is defined as nonroutine under (a)(i) through (iv).~~

~~(3) The department may, but is not required to, submit an otherwise routine application to the board for review if:~~

~~(a) questions arise whether the applicant meets all requirements for licensure under 37-60-303, MCA, including but not limited to the demonstration of good moral character; or~~

~~(b) inconsistencies, irregularities, or other matters of concern exist in the application or related documentation.~~

AUTH: 37-1-131, ~~37-60-202~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-60-202, 37-60-303, 37-60-304~~, MCA

NEW RULE XXXII (ARM 24.182.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF PRIVATE SECURITY  
HOLLY DERSHEM-BRUCE  
PRESIDENT

BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS

NEW RULE XXXIII (ARM 24.183.xxx) NONROUTINE APPLICATIONS

(1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE XXXIV (ARM 24.183.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS

RON DRAKE, PROFESSIONAL ENGINEER  
PRESIDING OFFICER

BOARD OF PSYCHOLOGISTS

24.189.613 NONROUTINE PSYCHOLOGIST APPLICATIONS

(1) ~~Applications for licensure that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued:~~ For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) the applicant has a prior felony conviction. Any disposition in a criminal case other than acquittal will be deemed a "conviction" for purposes of this rule without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence;~~

~~(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;~~

~~(c) any of the applicant's occupational or professional licenses have been disciplined or an application for any occupational or professional license was denied in this state, another state, or jurisdiction;~~

~~(d) the applicant voluntarily or involuntarily surrendered an occupational or professional license in this state, another state, or jurisdiction;~~

~~(e) the applicant has a pending legal or disciplinary action involving licensure in this state, another state, or jurisdiction;~~

~~(f) the applicant has been a respondent in a complaint for unlicensed practice of psychology in this state, another state, or jurisdiction that led to communication from the licensing authority to cease and desist or an injunctive action;~~

~~(g) the applicant has addiction issues, including active or previous alcohol and/or drug abuse, and treatment for the same;~~

~~(h) the applicant has not been active in the profession of psychology for the preceding three years or more; or~~

~~(i) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-17-202~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-17-302~~, MCA

24.189.911 NONROUTINE BEHAVIOR ANALYST OR ASSISTANT BEHAVIOR ANALYST APPLICATIONS (1) ~~Applications for licensure that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued:~~ For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) the applicant has a prior felony conviction. Any disposition in a criminal case other than acquittal will be deemed a "conviction" for purposes of this rule without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence;~~

~~(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;~~

~~(c) any of the applicant's occupational or professional licenses have been disciplined or an application for any occupational or professional license was denied in this state, another state, or jurisdiction;~~

~~(d) the applicant voluntarily or involuntarily surrendered an occupational or professional license in this state, another state, or jurisdiction;~~

~~(e) the applicant has a pending legal or disciplinary action involving licensure in this state, another state, or jurisdiction;~~

~~(f) the applicant has been a respondent in a complaint for unlicensed practice of behavior analysis in this state, another state, or jurisdiction that led to communication from the licensing authority to cease and desist or an injunctive action;~~

~~(g) the applicant has addiction issues, including active or previous alcohol and/or drug abuse, and treatment for the same;~~

~~(h) the applicant has not been active in the profession of behavior analysis for the preceding three years or more; or~~

~~(i) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-17-406~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-17-403~~, MCA

NEW RULE XXXV (ARM 24.189.6XX) PSYCHOLOGIST APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE XXXVI (ARM 24.189.9XX) BEHAVIOR ANALYST OR ASSISTANT BEHAVIOR ANALYST APPLICANTS WITH CRIMINAL CONVICTIONS

(1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF PSYCHOLOGISTS

LORETTA BOLYARD, Ph.D.  
CHAIRPERSON

BOARD OF PUBLIC ACCOUNTANTS

24.201.532 APPLICATION REVIEW NONROUTINE APPLICATIONS (1) All applications, except applications for firm registration, out-of-state licensees seeking a Montana license under ARM 24.201.528, and foreign applicants seeking a Montana license under ARM 24.201.529, are considered nonroutine and must be reviewed by the board to determine compliance with qualifications for licensure.

(2) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(3) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, ~~37-50-203~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-50-203~~, ~~37-50-335~~, MCA

REASON: It is necessary for the board to deviate from the standard department definition in (1) to review all applications for applicants not previously licensed elsewhere to determine whether the applicant's experience meets board requirements. As accounting is a highly technical profession, determining whether an applicant's experience qualifies them for licensure requires the professional expertise of board members and cannot be evaluated by department staff.

NEW RULE XXXVII (ARM 24.201.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF PUBLIC ACCOUNTANTS  
JOHN JACOBSEN, CPA  
PRESIDING OFFICER

BOARD OF RADIOLOGIC TECHNOLOGISTS

NEW RULE XXXVIII (ARM 24.204.xxx) NONROUTINE APPLICATIONS

(1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE XXXIX (ARM 24.204.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF RADIOLOGIC  
TECHNOLOGISTS  
MIKE NIELSEN, RPA  
PRESIDING OFFICER

#### BOARD OF REAL ESTATE APPRAISERS

NEW RULE XL (ARM 24.207.xxx) NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402.

(2) Applications with appraisal reports that do not meet Uniform Standards of Professional Appraisal Practice are nonroutine.

(3) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

REASON: The board contracts with licensed appraisers to review all appraisal reports submitted by applicants in support of the experience requirements for licensure. An application with appraisal reports tentatively determined to be noncompliant with USPAP is nonroutine because only the professional members of the board have the expertise to apply the USPAP standards to an appraisal report and decide whether an applicant's work product qualifies the applicant for licensure.

NEW RULE XLI (ARM 24.207.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF REAL ESTATE APPRAISERS  
PETER FONTANA  
CERTIFIED RESIDENTIAL APPRAISER  
PRESIDING OFFICER

#### BOARD OF REALTY REGULATION

24.210.301 DEFINITIONS The terms used in this chapter shall have their common meaning as used in the real estate industry, and unless the context otherwise requires, the following meanings shall also apply:

(1) through (24) remain the same.

~~(25) "Routine application" is a complete application, which shows compliance with board rules and no disciplinary issues. All other complete applications are nonroutine.~~

(26) through (31) remain the same but are renumbered (25) through (30).

AUTH: 37-1-131, 37-51-203, MCA

IMP: 37-1-131, 37-1-136, 37-51-103, 37-51-204, 37-51-301, 37-51-302, 37-51-303, 37-51-306, 37-51-309, 37-51-313, 37-51-314, 37-51-315, 37-51-321, 37-51-324, 37-51-401, MCA

24.210.418 NONROUTINE APPLICATIONS (1) ~~The board shall review an application containing any of the following criteria:~~ For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

~~(a) criminal convictions and charges:~~

~~(i) a felony conviction of any nature if the sentence imposed for any such conviction has not been fully discharged or if the sentencing order was entered within the past ten years;~~

~~(ii) any conviction involving use or sale of drugs, fraud, deceit, or theft, pursuant to 37-1-316(1), MCA, if the sentence imposed for any such conviction has not been fully discharged or if the sentencing order was entered within the past five years;~~

~~(iii) a misdemeanor conviction relating to sex or violence;~~

~~(iv) three or more misdemeanor convictions;~~

~~(v) a pending criminal charge if, as a conviction, it would cause the application to be nonroutine under (i) through (iv); or~~

~~(vi) a criminal charge resulting in a deferred sentence that has not been discharged as of the date of application.~~

~~(vii) For the purposes of this rule, a criminal charge resulting in a deferred sentence that has not been discharged as of the date of application is considered a conviction for purposes of determining whether the application is nonroutine. Misdemeanor traffic convictions not involving alcohol or drugs will not cause an application to be considered nonroutine.~~

~~(b) other unprofessional conduct:~~

~~(i) an investigation, complaint, consent agreement, or disciplinary action involving the applicant that either:~~

~~(A) resulted in a license or license application that was revoked, suspended, denied, withdrawn, placed on probation, or subjected to any condition or restriction in the past five years; or~~

~~(B) resulted in a license or license application that is currently encumbered~~

by a disciplinary sanction. "Encumbered by a disciplinary sanction" means conditions imposed on the license have not been satisfied or are ongoing if the action was based upon the applicant's underlying conduct and not based on another state's or jurisdiction's disciplinary action;

(ii) ~~the applicant was diagnosed with an addiction or participated in a chemical dependency or other addiction treatment program within three years of submitting the application. However, if treatment has been successfully completed and any recommended follow-up is being complied with, the department may consider the application routine; or~~

(iii) ~~the applicant answered "yes" on the application regarding a diagnosis for a physical condition or mental health disorder involving a potential health risk to the public.~~

(c) ~~application discrepancies:~~

(i) ~~failure to accurately and completely respond to a question on the application form. The department may treat an application as routine under this subsection if the department receives an adequate explanation for such a failure;~~

(ii) ~~the department may, but is not required to, submit an otherwise routine application for board review if:~~

(A) ~~questions arise whether the applicant meets all requirements for licensure, including, but not limited to, the demonstration of good moral character; or~~

(B) ~~inconsistencies, irregularities, or other matters of concern, including but not limited to allegations of unlicensed practice, exist in the application or related documentation.~~

(d) ~~any application which staff believes warrants board review.~~

(2) ~~An application which would otherwise be nonroutine under this rule will nevertheless be deemed routine if the application is based solely on information previously considered by the board, but which resulted in the issuance of an unencumbered license or if it resulted in a complaint that was resolved without discipline.~~

AUTH: 37-1-131, ~~37-1-319, 37-51-203, MCA~~

IMP: 37-1-101, ~~37-1-105, 37-1-131, 37-1-136, 37-1-137, 37-1-203, 37-1-307, 37-1-308, 37-51-202, 37-51-302, 37-51-603, MCA~~

NEW RULE XLII (ARM 24.210.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF REALTY REGULATION  
RIC SMITH  
PRESIDING OFFICER

BOARD OF RESPIRATORY CARE PRACTITIONERS



NEW RULE XLIII (ARM 24.213.xxx) NONROUTINE APPLICATIONS

(1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE XLIV (ARM 24.213.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS

(1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF RESPIRATORY CARE  
PRACTITIONERS  
LEONARD BATES, RCP  
PRESIDING OFFICER

BOARD OF SANITARIANS

NEW RULE XLV (ARM 24.216.xxx) NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

NEW RULE XLVI (ARM 24.216.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS

(1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF SANITARIANS  
MEGAN BULLOCK, R.S.  
PRESIDING OFFICER

BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

24.222.405 NONROUTINE APPLICATIONS (1) ~~Applications for licensure that disclose any of the following circumstances are nonroutine and For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.~~

(2) Nonroutine applications must be reviewed and approved by the board before the a license may be issued.:

- ~~(a) the applicant has ever been convicted of a felony;~~
- ~~(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;~~
- ~~(c) any of the applicant's occupational or professional licenses have been disciplined or an application for a license was denied in any state or jurisdiction;~~
- ~~(d) a pending or completed legal or disciplinary action involving licensure in this state, another state, territory, or jurisdiction; or~~
- ~~(e) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-15-202~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-15-301~~, MCA

NEW RULE XLVII (ARM 24.222.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

BOARD OF SPEECH-LANGUAGE  
PATHOLOGISTS AND AUDIOLOGISTS  
KELSEY MANN, AuD  
PRESIDING OFFICER, ACTING

#### BOARD OF VETERINARY MEDICINE

24.225.425 NONROUTINE APPLICATIONS (1) ~~Applications for licensure that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued: For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.~~

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

- ~~(a) the applicant has ever been convicted of a felony;~~
- ~~(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;~~

~~(c) any of the applicant's occupational or professional licenses have been disciplined or an application for a license was denied in any state or jurisdiction;~~  
~~(d) a pending or completed legal or disciplinary action involving licensure in this state, another state, territory, or jurisdiction; or~~  
~~(e) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.~~

AUTH: 37-1-131, ~~37-18-202~~, MCA

IMP: 37-1-101, 37-1-131, ~~37-18-301~~, MCA

NEW RULE XLVIII (ARM 24.225.xxx) APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modifications:

(a) Nonviolent misdemeanor convictions involving animals in (5)(a) are routine if the conviction date is more than four years before the application date, unless the applicant is still in custody due to the conviction; and

(b) Nonviolent felony convictions involving animals in (5)(b) are routine if the conviction date is more than ten years before the application date, unless the applicant is still in custody due to the conviction.

AUTH: 37-1-131, MCA

IMP: 37-1-101, 37-1-131, MCA

REASON: It is reasonably necessary to incorporate the department's criminal convictions rule with modifications to allow more board scrutiny for those convictions involving animals, but that are not within the definition of a violent crime, such as theft. The board is deviating from the department rule to recognize the board's duty to consider convictions relating to animals, as the professions licensed by the board allow for opportunities to repeat such conduct. The board also recognizes that the length of time since a conviction may show evidence of an applicant's rehabilitation.

BOARD OF VETERINARY MEDICINE  
PAUL MCCANN, DVM  
PRESIDENT

5. 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 Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514, by facsimile to (406) 841-2313, or e-mail to [damoe@mt.gov](mailto:damoe@mt.gov), and must be received no later than 5:00 p.m., April 23, 2021.

6. An electronic copy of this notice of public hearing is available on the department's web site at <http://bsd.dli.mt.gov>. 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.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions. 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 Business Standards Division 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 Debra Morrell, Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; faxed to the office at (406) 841-2313; e-mailed to [dmorrell@mt.gov](mailto:dmorrell@mt.gov); or made by completing a request form at any rules hearing held by the agency.

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

9. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.111.407, 24.118.502, 24.121.406, 24.126.301, 24.129.606, 24.138.304, 24.141.509, 24.155.613, 24.159.403, 24.162.503, 24.165.302, 24.168.407, 24.171.403, 24.180.405, 24.182.508, 24.189.613, 24.189.911, 24.201.532, 24.210.301, 24.210.418, 24.222.405, and 24.225.425 will not significantly and directly impact small businesses.

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

Documentation of the department's above-stated determinations is available upon request to the Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; telephone (406) 841-2327; facsimile (406) 841-2313; or to [damoe@mt.gov](mailto:damoe@mt.gov).

10. Darcee L. Moe, Legal Counsel, has been designated to preside over and conduct this hearing.

/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 March 16, 2021.

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF ADOPTION,
RULE I pertaining to activities of loan	)	AMENDMENT, AND REPEAL
production offices, the amendment of	)	
ARM 2.59.104, 2.59.131, 2.59.134,	)	
and 2.59.1001 pertaining to	)	
assessments, dividends, conversion	)	
applications, and merger applications,	)	
and the repeal of ARM 2.59.114	)	
pertaining to examination fees for trust	)	
companies	)	

TO: All Concerned Persons

1. On February 12, 2021, the Department of Administration published MAR Notice No. 2-59-607 pertaining to the proposed adoption, amendment, and repeal of the above-stated rules at page 152 of the 2021 Montana Administrative Register, Issue Number 3.

2. No comments were received.

3. The department has adopted NEW RULE I (ARM 2.59.910) exactly as proposed.

4. The department has amended ARM 2.59.104, 2.59.131, 2.59.134, and 2.59.1001 exactly as proposed.

5. The department has repealed ARM 2.59.114 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 March 16, 2021.





BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 37.27.902, 37.87.102, )  
37.87.702, and 37.88.101 pertaining )  
to licensed marriage and family )  
therapists and policy changes for )  
medication assisted treatment )

TO: All Concerned Persons

1. On January 15, 2021, the Department of Public Health and Human Services published MAR Notice No. 37-940 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 52 of the 2021 Montana Administrative Register, Issue Number 1. On February 12, 2021, the department published an amended notice to MAR Notice No. 37-940 pertaining to the amendment of the above-stated rules at page 164 of the 2021 Montana Administrative Register, Issue Number 3.

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

3. Based on comments received, the department has made changes, described in the responses to the comments below, to the Addictive and Mental Disorder Division Medicaid Services Provider Manual for Substance Use Disorder and Adult Mental Health, dated March 1, 2021.

4. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: Multiple commenters expressed concern about limiting the Medication Assisted Treatment (MAT) intake rate to only once every 365 days. One commenter recommended a reduced or tiered rate for members who have discharged and later readmitted to MAT.

RESPONSE #1: The department thanks the commenter for the suggestion. The department will remove the 365-day limitation for the MAT intake rate at this time and will review this topic for a future amendment.

COMMENT #2: A commenter stated that the original Drug Addiction Treatment Act of 2000 (DATA 2000) allows referrals to behavioral health services and does not require a person to receive behavioral health services. The commenter is concerned that requiring behavioral health services would increase the dropout rate for patients. The commenter stated that clinical experience and indirect data support better long-term outcomes with behavioral health services when the patient is ready.



RESPONSE #2: The department's proposed rule amendments require a patient to be screened for behavioral health services, and a referral should occur only if the screening indicates behavioral health services are appropriate. The department is not making MAT services contingent upon the receipt of behavioral health services.

COMMENT #3: A commenter stated that the term "mental health assessment" may deter providers from getting their waivers to provide MAT services and recommends using the language "screening and integrated behavioral health assessment" as more common language in primary care.

RESPONSE #3: The department will make the requested change to the terminology for behavioral health assessments.

COMMENT #4: A commenter stated that limiting definitive testing to eight times per year is reasonable and does not interfere with the point of contact testing if applicable.

RESPONSE #4: The department thanks the commenter for their input.

COMMENT #5: A commenter expressed support for the addition of Licensed Marriage and Family Therapists to Montana Medicaid.

RESPONSE #5: The department thanks the commenter for their input.

COMMENT #6: A commenter asked for the department's intention in requiring an in-person intake into MAT services when SAMSHA allows for video or telephonic visits for assessments.

RESPONSE #6: The department will review this comment for future consideration. The department has always required "face-to-face" MAT Intake. The amendment to this language was to clarify that face-to-face meant in-person.

COMMENT #7: Multiple commenters stated disagreement with the limitation of definitive drug testing to eight times per year, suggesting that this is not best practice and that a member may need definitive testing up to four times in the first month alone. One commenter referred to a journal article, Appropriate Use of Drug Testing in Clinical Addiction Medicine published by the American Society of Addiction Medicine ([http://1viuw040k2mx3a7mwz1lwva5.wpengine.netdna-cdn.com/wp-content/uploads/2017/11/appropriate\\_use\\_of\\_drug\\_testing\\_in\\_clinical-1-7.pdf](http://1viuw040k2mx3a7mwz1lwva5.wpengine.netdna-cdn.com/wp-content/uploads/2017/11/appropriate_use_of_drug_testing_in_clinical-1-7.pdf)).

RESPONSE #7: The department acknowledges that drug testing is an integral part of MAT services and recognizes the department's responsibility to fund clinically appropriate services in a fiscally responsible way. In response to the comments, the department will increase the number of allowable definitive tests to twelve per year and add medical necessity criteria to the manual. The department notes that the journal article cited by the commenter states, "The inappropriate use of drug testing

can have extraordinary costs to third-party payers, taxpayers, and at times the patients who are receiving care."

5. The department intends to apply these rules retroactively to March 1, 2021. A retroactive application of the proposed rules does not result in a negative impact to any affected party.

/s/ Brenda K. Elias

Brenda K. Elias  
Rule Reviewer

/s/ Adam Meier

Adam Meier, Director  
Public Health and Human Services

Certified to the Secretary of State March 16, 2021.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF DECISION ON
ARM 37.85.105 pertaining to update	)	PROPOSED AMENDMENT
of effective dates and inclusion of	)	
Medicaid manual changes	)	

TO: All Concerned Persons

1. On February 12, 2021, the Department of Public Health and Human Services (department) published MAR Notice No. 37-941 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 168 of the 2021 Montana Administrative Register, Issue Number 3.

2. A public hearing on the notice of proposed amendment of the above-stated rule was held on March 4, 2021.

3. The department is required to submit a waiver amendment for the Severe and Disabling Mental Illness (SDMI), 1915(c) Home and Community Based Services Waiver to the Centers for Medicare and Medicaid (CMS) to enact the changes proposed to the SDMI waiver program and the corresponding rule amendments proposed in MAR Notice No. 37-941. After the rule notice was filed, CMS reviewed the SDMI waiver amendment and has requested additional amendments to the SDMI waiver, which will require additional time and stakeholder feedback. For these reasons, the department determined it would be prudent to withdraw MAR Notice No. 37-941 with the expectation that future administrative rule amendments will be proposed once the department and CMS reach resolution on the SDMI waiver amendment.

/s/ Brenda K. Elias

Brenda K. Elias  
Rule Reviewer

/s/ Adam Meier

Adam Meier, Director  
Public Health and Human Services

Certified to the Secretary of State March 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 October 9, 2020, through March 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.

### ADMINISTRATION, Department of, Title 2

2-13-605	Next Generation 9-1-1 Technology Standards and Baseline Principles, p. 1719, 1857, 2237
2-59-604	Designated Manager Supervisory Requirements, p. 1544, 1835
2-59-606	Renewal Fees of Mortgage Brokers, Mortgage Lenders, Mortgage Servicers, and Mortgage Loan Originators, p. 1547, 1836
2-59-607	Activities of Loan Production Offices - Assessments - Dividends - Conversion Applications - Merger Applications - Examination Fees for Trust Companies, p. 152
2-59-609	Semiannual Assessment for Banks and Credit Unions, p. 1786, 2133
2-59-610	Application for Organizing a New Credit Union - Annual Reports, p. 97, 275

(Public Employees' Retirement Board)

2-43-611	Investment Policy Statements for the Defined Contribution Retirement Plan, the Montana Fixed Fund, and the 457(b) Deferred Compensation Plan, p. 201
----------	--

(State Banking Board)

2-60-608	Closure or Relocation of Bank Branches, p. 1, 228
----------	---

### AGRICULTURE, Department of, Title 4

- 4-20-268 Violations in Commodity Reporting, p. 1042, 1837
- 4-20-269 Montana Hemp Research and Market Development Program, p. 1319, 2079
- 4-20-270 Hemp, p. 1946, 59
- 4-21-271 Plant Health Quarantines, p. 114
- 4-21-272 Plant Health Quarantines, p. 100

STATE AUDITOR, Office of, Title 6

- 6-250 Securities Regulation - Filings - Securities Exemptions - Fraudulent and Unethical Practices - Broker-Dealers and Investment Advisers - Transactional Exemption, p. 719, 1874
- 6-261 Surety Insurance Producers Who Sell, Solicit, or Negotiate Commercial Bail Bonds, p. 739, 1860

COMMERCE, Department of, Title 8

- 8-111-185 Definitions - Housing Credit Allocation Procedure, p. 2287, 229
- (Board of Investments)
- 8-97-100 Board of Investments Rules, p. 205

EDUCATION, Title 10

- (Board of Public Education)
- 10-53-137 Technology Integration Content Standards, p. 1380, 2134
- 10-54-134 K-12 Career and Technical Education Content Standards, p. 1398, 2136
- 10-55-135 K-12 Computer Science Content Standards, p. 1416, 2138
- 10-55-136 Library Media Content Standards, p. 1428, 2140
- 10-55-138 K-12 Social Studies Content Standards, p. 1446, 2142

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12-530 Closing the Shields River to All Motorized Watercraft, p. 1690, 62
- 12-533 Field Trial Regulations - Game Bird Dog Training - Game Bird Farms, p. 2093, 172
- 12-536 Closing Clark's Lookout State Park in Beaverhead County, p. 1877
- 12-538 Closing Giant Springs State Park in Cascade County, p. 116
- 12-539 Closing Pictograph Cave State Park in Yellowstone County, p. 118
- 12-540 Closing the Yellowstone River 100 Yards Upstream and Downstream of the Twin Bridges Road Bridge in Stillwater County, p. 175
- 12-542 Closing the Ennis Fishing Access Site and the Valley Garden Fishing Access Site in Madison County, p. 230
- 12-543 Closing the York's Islands Fishing Access Site in Broadwater County, p. 232



(Fish and Wildlife Commission)

- 12-531 Recreational Use on the Madison River, p. 1722, 2324
- 12-534 Closing the Boulder River to All Motorized Watercraft, p. 1953
- 12-535 Use of Remote-Controlled Devices and Drones While Fishing, p. 1956
- 12-537 Limiting Tepee Lake to Manually Operated Watercraft, p. 2226

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17-415 Nutrient Standards Variances, p. 2290

(Board of Environmental Review)

- 17-411 MPDES Program Updates, p. 750, 942, 1879
- 17-413 Air Quality Operation Fees, p. 1550, 2335
- 17-414 Selenium Standards for Lake Koocanusa and the Kootenai River, p. 1789, 2336

TRANSPORTATION, Department of, Title 18

- 18-183 Motor Fuels Tax, p. 1795, 2238

CORRECTIONS, Department of, Title 20

(Board of Pardons and Parole)

- 20-25-70 Parole Guidelines - Conditional Discharge From Supervision, p. 1556, 1693, 2401

JUSTICE, Department of, Title 23

- 23-18-249 Montana 24/7 Sobriety Program Act, p. 1804, 2407

(Public Safety Officers Standards and Training Council)

- 23-13-260 Certification of Public Safety Officers, p. 4

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order by chapter following the department notices.

- 24-11-369 Unemployment Insurance Benefits Related to the COVID-19 Pandemic, p. 2229, 120
- 24-13-366 HELP-Link, p. 1958, 2409
- 24-17-363 Prevailing Wage Rates for Public Works Projects, p. 1862, 2410
- 24-21-362 Apprenticeship and Training Program, p. 1964, 2419
- 24-22-368 Implementation of the Montana Employment Advancement Right Now Program Act, p. 1969, 2420
- 24-29-364 Drug Formulary in the Utilization and Treatment Guidelines for Workers' Compensation and Occupational Disease, p. 2030, 2431

- 24-29-365 Reimbursement of Workers' Compensation Premiums Due to Providing High-Quality Work-Based Learning Opportunities, p. 2033, 2432
- 24-29-370 Use of Signatures When Documents Are Being Electronically Transmitted, p. 11, 276
- 24-101-309 Definitions - Applicants With Criminal Convictions, p. 1821, 2144
- 24-122-1 Boiler Operator Licensing - Fee Schedule for Boiler Operating Engineers - Approval of Training Courses - Examinations - Renewals, p. 20
- 24-131-1 Construction Blaster Licensing - Fees - Training Programs - Variances - Requirements, p. 24
- 24-135-3 License Requirements for Crane and Hoisting Operating Engineers - Fees - Incorporation by Reference of American National Standards Institute B30.5, p. 29
- 24-142-2 Elevator Licensing - Fee Schedule - Licensee Responsibilities - Elevator Mechanic and Limited Mechanic Licensure Qualifications - Examinations - Licensure by Reciprocity or Endorsement - Apprentice Registration, p. 34
- 24-144-2 Fire Protection License Program - Definitions - Duty to Report Changes - Proof of Insurance - Fees - Who Must Obtain an Endorsement - Endorsement Examinations - Fireworks Wholesaler Permit Applications - Continuing Education - Duplicate License or Endorsement - Apprenticeship Programs - Application Procedure - Fireworks Wholesale Permits - Renewals, p. 39
- 24-301-348 Underground Facility Protection Program - Assessment and Collection of Civil Penalties - Collection of Annual Fees - Disputes Regarding Penalties and Fines—Mediation - Training and Educational Grants, p. 1463, 1572, 1840
- 24-301-350 Incorporation by Reference of the International Energy Conservation Code, p. 2303, 177

(Board of Personnel Appeals)

- 24-26-353 Practices of and Procedures Before the Board of Personnel Appeals, p. 1977, 2422

(Board of Athletic Trainers)

- 24-118-6 Definitions - Unprofessional Conduct - Applications - Supervision - Renewals, p. 14

(Board of Dentistry)

- 24-138-79 Approved Clinical Exam Criteria for Dentists and Dental Hygienists, p. 2098, 121
- 24-138-80 Denturist Committee - Fees - Dental Hygienist Functions - License Display - Licensure and Certification of Dentists, Dental Hygienists, and Denturists - Continuing Education Requirements - Dentist and Denturist Unprofessional Conduct - Screening Panel - Dental Hygienist Unprofessional Conduct - Justifiable Criticism and Expert

Testimony - Infectious Waste - Public Service and Quality of Care - Patient Selection - Patient Records - Emergency Service - Consultation and Referral - Rebate and Split Fees - Volunteer Licensee Scope - Dental and Dental Hygiene Schools - Dentist Specialist License - Licensure After Denial or Revocation - Grounds for Denial - Severability - Multiple-Specialty Announcements, p. 213

(Board of Medical Examiners)

- 24-156-87 Definitions - Training of Student Physician Assistants - Application for Physician Assistant License - Physician Assistant Fees - Reporting to the Board - Supervision of Physician Assistant - Patient Rights - Unprofessional Conduct - Management of Infectious Wastes - Physician Assistant License Renewal, p. 1561, 65
- 24-156-89 ECP Scope of Practice, p. 1838
- 24-156-90 ECP Scope of Practice, p. 1866, 277

(Board of Plumbers)

- 24-180-50 Fee Schedule - Temporary Exceptions - Renewal of Endorsement - Continuing Education Requirements, p. 102

(Board of Psychologists)

- 24-189-41 Fee Schedule - Psychologist Application Procedures - Examination - Temporary Permit - Behavior Analyst Experience and Supervision, p. 1272, 2081

(Board of Real Estate Appraisers)

- 24-207-44 Approval of Qualifying and Continuing Education Courses, p. 108

(Board of Realty Regulation)

- 24-210-46 Fee Schedule - Unprofessional Conduct - Citations and Fines - Prelicensing Education—Salespersons and Brokers - Continuing Real Estate Education - Continuing Property Management Education - New Licensee Mandatory Continuing Education—Salespersons, p. 2296

LIVESTOCK, Department of, Title 32

- 32-18-293 Recalls, p. 1468, 2145
- 32-20-308 Label Review, p. 1278, 1841
- 32-20-311 Special Requirements for Poultry - Special Requirements for Alternative Livestock, p. 1472, 1843
- 32-20-314 Special Requirements for Swine, p. 2104, 179
- 32-21-315 Diagnostic Laboratory Fees, p. 158

(Board of Milk Control)

- 32-20-313 Milk Control Assessments, p. 2101, 69

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- 36-22-203 Management of State Forested Lands, p. 1046, 2239
- 36-22-210 Rangeland Management, p. 2107

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- 37-929 Low Income Energy Assistance Program (LIEAP), p. 1582, 1844
- 37-930 Trauma Facility Designation, p.1591, 1845
- 37-931 Automated External Defibrillators (AED), p. 1826, 2146
- 37-932 Substantiation of Abuse and Neglect Reports - Disclosure of Information, p. 2040, 2434
- 37-933 Updating Medicaid Provider Rates, Fee Schedules, and Effective Dates, p. 2048, 2111, 51, 180
- 37-934 Home Support Services (HSS) Program Redesign, p. 2054, 2435
- 37-935 Health and Economic Livelihood Partnership (HELP) Act, p. 2062, 2438
- 37-936 Montana Telecommunications Access Program (MTAP) Financial Eligibility Criteria, p. 2113, 70
- 37-937 Substance Use Disorder (SUD) State Approval, p. 2309, 182
- 37-938 Big Sky Rx Benefit, p. 2314, 183
- 37-939 Newborn Screening, p. 2317, 184
- 37-940 Licensed Marriage and Family Therapists - Policy Changes for Medication Assisted Treatment, p. 52, 164
- 37-941 Update of Effective Dates and Inclusion of Medicaid Manual Changes, p. 168

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38-2-247 Investigation and Discovery, p. 2320
- 38-5-245 Small Generator Interconnection Definitions and Procedures, p. 651, 955, 2147
- 38-5-246 Pipeline Safety, p. 2232
- 38-5-248 Advanced Metering Opt-Out, p. 111

REVENUE, Department of, Title 42

- 42-1023 Classification and Valuation of Class Three Property (i.e., Agricultural Land), p. 1594, 1881
- 42-1024 Updates to the Montana Reappraisal Plan and Classification and Valuation Manuals, p. 1832, 2078, 71
- 42-1025 Trended Depreciation Schedules for Valuing Personal Property, p. 1869, 2276
- 42-1026 Montana Achieving a Better Life Experience (ABLE) Program Accounts and Family Education Plan Savings Accounts, p. 2116, 76
- 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,  
234

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 February 2021 appear. Potential vacancies from April 1, 2021 through June 30, 2021, are also listed.

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of March 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 FEBRUARY 2021**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Crime Control</b>			
Mr. Terry Boyd Billings	Governor	Cambell	2/1/2021 1/6/2025
Qualifications (if required): none stated			
Mr. Jared Charles Cobell Great Falls	Governor	reappointed	2/1/2021 1/6/2025
Qualifications (if required): none stated			
Ms. Vicki Delger Wolf Point	Governor	Brurud	2/1/2021 1/6/2025
Qualifications (if required): none stated			
Sheriff Leo Dutton Helena	Governor	reappointed	2/1/2021 1/6/2025
Qualifications (if required): none stated			
Mr. Wyatt English Miles City	Governor	Regier	2/1/2021 1/6/2025
Qualifications (if required): none stated			
Ms. Shantelle Gaynor Missoula	Governor	Small	2/1/2021 1/6/2025
Qualifications (if required): none stated			

**EXECUTIVE BRANCH APPOINTEES FOR FEBRUARY 2021**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Crime Control Cont.</b>			
Mr. Wyatt Arthur Glade Miles City Qualifications (if required): none stated	Governor	reappointed	2/1/2021 1/6/2025
Director Brian Gootkin Helena Qualifications (if required): Director of Dept. of Corrections	Governor	Michael	2/1/2021 1/6/2025
Mr. Austin Knudsen Helena Qualifications (if required): Attorney General	Governor	Fox	2/1/2021 1/6/2025
Mr. Michael Sanders Helena Qualifications (if required): none stated	Governor	Dial	2/1/2021 1/6/2025
Ms. Amy Tenney Helena Qualifications (if required): none stated	Governor	Obert	2/1/2021 1/6/2025



**EXECUTIVE BRANCH APPOINTEES FOR FEBRUARY 2021**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Environmental Review</b>			
Ms. Julia Altemus	Governor	Lynch	2/17/2021
Missoula			12/31/2022
Qualifications (if required): Public member			
<b>Board of Public Education</b>			
Ms. Susie Hedalen	Governor	Bremmer	2/1/2021
Townsend			1/31/2028
Qualifications (if required): Member from District 1, Republican Party			
<b>Board of Regents of Higher Education</b>			
Mr. Loren Bough	Governor	Tuss	2/10/2021
Big Sky			1/31/2027
Qualifications (if required): District 1 member, Republican Party			
Mr. Todd Buchanan	Governor	Sheehy	2/1/2021
Billings			1/31/2028
Qualifications (if required): Member of District 2, Republican			
<b>Commission for Human Rights</b>			
Mr. Richard Bartos	Governor	Campbell	2/27/2021
Helena			1/1/2023
Qualifications (if required): Public member			

**EXECUTIVE BRANCH APPOINTEES FOR FEBRUARY 2021**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Public Employees' Retirement System</b>			
Ms. Terry Halpin	Governor	Lerette	2/24/2021
Billings			3/31/2025
Qualifications (if required): Active member of the public retirement system			
Mr. Jason Strouf	Governor	Pratt	2/24/2021
Miles City			3/31/2025
Qualifications (if required): Active member of the public retirement system			
Ms. Sonja Woods	Governor	Hogan	2/24/2021
Miles City			3/31/2025
Qualifications (if required): Active member of the public retirement system			
<b>State Banking Board</b>			
Mr. Kevin Davis	Governor	McGinnis	2/26/2021
Missoula			6/30/2022
Qualifications (if required): Public member			
Ms. Sherry Essman	Governor	Ennenga	2/26/2021
Billings			6/30/2023
Qualifications (if required): Public member			

**EXECUTIVE BRANCH APPOINTEES FOR FEBRUARY 2021**

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Compensation Insurance Fund Board</b>			
Mr. Curt Laingen	Governor	Mohr	2/12/2021
Shepard			3/31/2023
Qualifications (if required): Private enterprise policy holder			

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Advisory Council on Integrity in Wage Reporting and Employee Classification</b>		
Lt. Governor Mike Cooney, Helena Qualifications (if required): Lieutenant Governor	Governor	6/30/2021
Mr. Mario Valdez Martinez, Great Falls Qualifications (if required): Representative from organized labor	Governor	6/30/2021
Ms. Kimberly Rickard-Smeltzer, Townsend Qualifications (if required): Representative of Organized Labor	Governor	6/30/2021
Mr. Doug Jackson, Missoula Qualifications (if required): Representative from the construction community	Governor	6/30/2021
Ms. Deborah Poteet, Missoula Qualifications (if required): Representative from the contractor community	Governor	6/30/2021
Director Gene Walborn, Helena Qualifications (if required): Director of the Department of Revenue	Governor	6/30/2021
Mr. Bob Warren, Columbia Falls Qualifications (if required): Representative from the construction contractor community	Governor	6/30/2021
Commissioner Brenda Nordlund, Helena Qualifications (if required): Commissioner of Labor and Industry	Governor	6/30/2021
Mr. Jack McBroom, Helena Qualifications (if required): Representative from organized labor	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

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

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Directors of the State Compensation Insurance Fund</b>		
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 Chair	Governor	5/1/2021
<b>Board of Hail Insurance</b>		
Mrs. Judy P. Tureck, Coffee Creek Qualifications (if required): Public Member	Governor	5/1/2021
<b>Board of Massage Therapy</b>		
Dr. Elizabeth C. Cavin, Helena Qualifications (if required): Licensed Health Care Provider	Governor	5/1/2021
<b>Board of Nursing Home Administrators</b>		
Mr. James B. Corson, Billings Qualifications (if required): Public at-large 55 years of age or older	Governor	6/1/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Optometry</b>		
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
<b>Board of Plumbers</b>		
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
<b>Board of Real Estate Appraisers</b>		
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
<b>Board of Realty Regulation</b>		
Mr. Ric Smith, Polson Qualifications (if required): Licensed real estate broker, salespeople, or property manager	Governor	5/1/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Board of Realty Regulation Cont.</b>		
Mr. Harry Freebourn, Butte	Governor	5/1/2021
Qualifications (if required): Representative of the public		
Mrs. Lindsey W. Hromadka, Whitefish	Governor	5/1/2021
Qualifications (if required): Representative of the public		
<b>Board of Regents of Higher Education</b>		
Ms. Amy Sexton, Billings	Governor	6/30/2021
Qualifications (if required): Student Regent		
<b>Flathead Basin Commission</b>		
Mr. Ed Lieser, Whitefish	Governor	6/30/2021
Qualifications (if required): Industrial, environmental, and other interests		
Mr. Stephen Frye, West Glacier	Governor	6/30/2021
Qualifications (if required): Industrial, environmental, and other interests		
Mr. Mike Koopal, Whitefish	Governor	6/30/2021
Qualifications (if required): Industrial, environmental, and other interests		
<b>Invasive Species Council</b>		
Mr. Dennis Charles Longknife, Harlem	Governor	5/9/2021
Qualifications (if required): Representative of the Fort Belknap Indian Community		



**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Invasive Species Council Cont.</b>		
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
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
<b>Land Information Advisory Council</b>		
Ms. Catherine Maynard, Helena Qualifications (if required): Person employed by the U.S. Dept. of Agriculture	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Land Information Advisory Council Cont.</b>		
Ms. Janet Cornish, Butte Qualifications (if required): Active in land information systems & represents public utilities	Governor	6/30/2021
Ms. Jennie Stapp, Helena Qualifications (if required): State Librarian or designee	Governor	6/30/2021
Ms. Elaina M. Graham, Great Falls Qualifications (if required): Person employed by the U.S. Dept. of Agriculture	Governor	6/30/2021
Ms. Dawn Anderson, Helena Qualifications (if required): Designee of a Department Director	Governor	6/30/2021
Mr. Gordon Conn, Helena Qualifications (if required): Designee of a Department Director	Governor	6/30/2021
Mr. Valentijn Hoff, Missoula Qualifications (if required): Montana University System Representative	Governor	6/30/2021
Mr. Eric Spangenberg, Helena Qualifications (if required): County or municipal government	Governor	6/30/2021
Director John Tubbs, Helena Qualifications (if required): Department Director and may send a designee	Governor	6/30/2021
Dr. Robert Ahl, Missoula Qualifications (if required): Member of the MT Assoc. of GIS Professionals	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Land Information Advisory Council Cont.</b>		
Mr. Allen J. Armstrong, Billings Qualifications (if required): Person employed by the U.S. Dept. of Interior (BLM)	Governor	6/30/2021
Mr. Tim Bottenfield, Helena Qualifications (if required): Chief Information Officer or designee	Governor	6/30/2021
Mr. Michael Bousliman, Helena Qualifications (if required): Designee of a Department Director	Governor	6/30/2021
Mr. Frank Leo Dougher, Bozeman Qualifications (if required): County or municipal government	Governor	6/30/2021
Mr. Jerome Mark Grebenc, Helena Qualifications (if required): Active in land information systems	Governor	6/30/2021
Mr. Matthew M. Heller, Bozeman Qualifications (if required): Person employed by the U.S. Dept. of Interior	Governor	6/30/2021
Ms. Molly Hirschi, Bozeman Qualifications (if required): Person who is a member of the MT Assoc. of GIS Professionals	Governor	6/30/2021
Mrs. Lee Macholz, Missoula Qualifications (if required): County or municipal government	Governor	6/30/2021
Mr. Daniel Ray Stahly, Bozeman Qualifications (if required): Person who represents the interests of the MT Assoc. of Registered Land Surveyors	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Land Information Advisory Council Cont.</b>		
Mr. Carl John Healy Sr., Harlem Qualifications (if required): Indian Tribal Interests	Governor	6/30/2021
Mr. Alex Dado, Bozeman Qualifications (if required): Employee of the U.S. Dept. of Agriculture, Natural Resources Conservation Service	Governor	6/30/2021
Mr. Kory Hofland, Helena Qualifications (if required): Designee of a department director	Governor	6/30/2021
<b>Mental Disabilities Board of Visitors</b>		
Mrs. Melissa Ancell, Poplar Qualifications (if required): Consumer or family of consumer of developmental disability services	Governor	6/30/2021
Ms. Sicily Nicole Morris, Billings Qualifications (if required): Professional person in the field of mental health treatment	Governor	6/30/2021
Ms. Andrea Joe Mary Daniel, Havre Qualifications (if required): Consumer or family of consumer of mental health services	Governor	6/30/2021
Mr. Daniel Timothy Laughlin, Anaconda Qualifications (if required): Skills, knowledge, and experience relative of adults with developmental disabilities	Governor	6/30/2021
<b>Montana Health Coalition</b>		
Ms. Cindy Stergar, Butte Qualifications (if required): None Stated	Governor	5/31/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Health Coalition Cont.</b>		
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
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

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Hemp Advisory Committee</b>		
Mr. Perry Miller, Bozeman Qualifications (if required): MSU, Ex-Officio	Governor	6/1/2021
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	6/1/2021
Ms. Jackee Beck, Deer Lodge Qualifications (if required): Producer	Governor	6/1/2021
Mr. Ken Elliott, Fort Benton Qualifications (if required): Ind Hemp LLC, Industry Ex-Officio	Governor	6/1/2021
Mr. Jamie Fitterer, Bozeman Qualifications (if required): Producer	Governor	6/1/2021
Mr. Arlin Fratzke, Stevensville Qualifications (if required): Producer	Governor	6/1/2021
Mr. Bart Icopini, Hysham Qualifications (if required): Producer	Governor	6/1/2021
Mr. Robert Klingaman, Harlem Qualifications (if required): Producer	Governor	6/1/2021
Ms. Kimberley Phillips, Helena Qualifications (if required): Producer	Governor	6/1/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Heritage Preservation and Development Commission</b>		
Ms. Pamela Dawn Bucy, Helena Qualifications (if required): Board 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
<b>Montana Information Security Advisory Council</b>		
Mr. Kirk Miller, Helena Qualifications (if required): General public	Governor	6/30/2021
Senator JP Pomnichowski, Bozeman Qualifications (if required): State Legislator	Governor	6/30/2021
Major General Matthew T. Quinn, Fort Harrison Qualifications (if required): State Homeland Security Advisor	Governor	6/30/2021
Ms. Erika Billiet, Kalispell Qualifications (if required): Local government	Governor	6/30/2021
Mr. Adrian Irish, Missoula Qualifications (if required): University representative	Governor	6/30/2021
Representative Kenneth Holmlund, Miles City Qualifications (if required): State legislator	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Information Security Advisory Council Cont.</b>		
Ms. Anne Dormady, Helena Qualifications (if required): Montana Analysis and Technical Information Center representative (MATIC)	Governor	6/30/2021
Ms. Margaret Kauska, Helena Qualifications (if required): State agency	Governor	6/30/2021
Ms. Jeanne Vold, Butte Qualifications (if required): General public	Governor	6/30/2021
Mr. Justin van Almelo, Bozeman Qualifications (if required): University representative	Governor	6/30/2021
Mr. Andy Hanks, Helena Qualifications (if required): State agency	Governor	6/30/2021
Commissioner Tony O'Donnell, Helena Qualifications (if required): State agency	Governor	6/30/2021
Ms. Kellee English, Helena Qualifications (if required): State agency	Governor	6/30/2021
Mr. Timothy Bottenfield, Helena Qualifications (if required): Chief Information Officer	Governor	6/30/2021
Mr. Jason Emery, Missoula Qualifications (if required): Local government	Governor	6/30/2021



**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Information Security Advisory Council Cont.</b>		
Mr. Joseph Frohlich, Helena Qualifications (if required): State agency	Governor	6/30/2021
Mr. Travis Light, Fort Harrison Qualifications (if required): General public	Governor	6/30/2021
Mr. Dean Olsen, Helena Qualifications (if required): General public	Governor	6/30/2021
Ms. Dawn Pizzini, Helena Qualifications (if required): State agency	Governor	6/30/2021
Mr. Rich Rasmussen, Helena Qualifications (if required): General public	Governor	6/30/2021
Mr. Steven Robinett, Great Falls Qualifications (if required): University representative	Governor	6/30/2021
Mr. Jason Schaller, Helena Qualifications (if required): General public	Governor	6/30/2021
Mr. Michael Sweeney, Helena Qualifications (if required): K-12 representative	Governor	6/30/2021
Ms. Suzi Taylor, Bozeman Qualifications (if required): University representative	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Information Security Advisory Council Cont.</b>		
Ms. Dawn Temple, Helena	Governor	6/30/2021
Qualifications (if required): State agency		
<b>Montana Invasive Species Council</b>		
Mr. David Brooks, Missoula	Governor	5/9/2021
Qualifications (if required): Representative of fishing organizations		
Mr. Dennis Clairmont, Pablo	Governor	5/9/2021
Qualifications (if required): Representative of Confederated Salish and Kootenai Tribal Government		
Ms. Kim Mangold, Helena	Governor	5/9/2021
Qualifications (if required): Representative of the Montana Department of Agriculture		
Mr. Andy Welch, Helena	Governor	5/9/2021
Qualifications (if required): Representative of hydropower utility industry		
Mr. Tom Woolf, Helena	Governor	5/9/2021
Qualifications (if required): Representative of the Montana Department of Fish, Wildlife and Parks		
<b>Montana Native Youth Suicide Reduction Coalition</b>		
Mr. Loren Bird Rattler, Browning	Governor	6/30/2021
Qualifications (if required): Blackfeet Leadership		
Ms. Erin Irvine, St. Ignatius	Governor	6/30/2021
Qualifications (if required): CSKT Youth		

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Ms. Mary Ellen LaFromboise, Browning Qualifications (if required): Blackfeet Leadership	Governor	6/30/2021
Ms. AriAnna Matt, St. Ignatius Qualifications (if required): CKST Youth	Governor	6/30/2021
Ms. Rachel Picardo, Helena Qualifications (if required): Helena Indian Alliance Youth	Governor	6/30/2021
Ms. Maria Vega, Wolf Point Qualifications (if required): Fort Peck Youth	Governor	6/30/2021
Ms. Carol Ahenekew, Browning Qualifications (if required): Blackfeet Youth	Governor	6/30/2021
Ms. Rachel Arthur, Great Falls Qualifications (if required): Indian Family Health Clinic Leadership	Governor	6/30/2021
Mr. Walt Badroad Mount, Harlem Qualifications (if required): Fort Belknap Youth	Governor	6/30/2021
Ms. Johnel Barcus, Billings Qualifications (if required): Billings Urban Indian Health and Wellness Center Leadership	Governor	6/30/2021
Ms. Araya Beartrust, Lame Deer Qualifications (if required): Northern Cheyenne Youth	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Mr. Peter Big Hair, Billings Qualifications (if required): Billings Urban Indian Health and Wellness Center Leadership	Governor	6/30/2021
Ms. Harmony Bigby, Harlem Qualifications (if required): Fort Belknap Youth	Governor	6/30/2021
Mr. Ernie Bighorn, Wolf Point Qualifications (if required): Fort Peck Leadership	Governor	6/30/2021
Ms. Mary Lynne Billy, Great Falls Qualifications (if required): Indian Family Health Clinic Leadership	Governor	6/30/2021
Ms. Melinda Caye, Pablo Qualifications (if required): CSKT Leadership	Governor	6/30/2021
Ms. Braylee Crawford, Missoula Qualifications (if required): Missoula Urban Indian Health Center Youth	Governor	6/30/2021
Mr. Dale DeCoteau, Wolf Point Qualifications (if required): Fort Peck Leadership	Governor	6/30/2021
Councilman Joe Demontiney, Box Elder Qualifications (if required): Chippewa Cree Leadership	Governor	6/30/2021
Ms. Tonya Doney, Harlem Qualifications (if required): Fort Belknap Leadership	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Dr. Ann Douglas, Missoula Qualifications (if required): Missoula Urban Indian Health Center Leadership	Governor	6/30/2021
Dr. Daniel Foster, Harlem Qualifications (if required): Fort Belknap Leadership	Governor	6/30/2021
Mr. Dan Gardipee, Butte Qualifications (if required): North American Indian Alliance Leadership	Governor	6/30/2021
Ms. Lily Gervais, Missoula Qualifications (if required): Missoula Urban Indian Health Center Leadership	Governor	6/30/2021
Ms. Asley Haley, Great Falls Qualifications (if required): Little Shell Youth	Governor	6/30/2021
Ms. Emma Harris, Lame Deer Qualifications (if required): Northern Cheyenne Leadership	Governor	6/30/2021
Ms. Dana Hewankorn, Pablo Qualifications (if required): CSKT Leadership	Governor	6/30/2021
Ms. Kristan Hewankorn, Pablo Qualifications (if required): CSKT Youth	Governor	6/30/2021
Ms. Chelsea Kleinmeyer, Pablo Qualifications (if required): CSKT Leadership	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Mr. Terrance LaFromboise, Browning Qualifications (if required): Blackfeet Youth	Governor	6/30/2021
Mr. Dewey Littlecoyote, Lame Deer Qualifications (if required): Northern Cheyenne Youth	Governor	6/30/2021
Mr. Waylon McKay, Billings Qualifications (if required): Billings Urban Indian Health and Wellness Center Youth	Governor	6/30/2021
Ms. Kimberly McKeehan, Great Falls Qualifications (if required): Little Shell Leadership	Governor	6/30/2021
Mr. Dylan Moore, Wolf Point Qualifications (if required): Fort Peck Youth	Governor	6/30/2021
Ms. Katelyn Passes, Billings Qualifications (if required): Billings Urban Indian Health and Wellness Center Youth	Governor	6/30/2021
Mr. Richard Sangrey, Box Elder Qualifications (if required): Chippewa Cree Leadership	Governor	6/30/2021
Mr. Lane Spotted Elk, Lame Deer Qualifications (if required): Northern Cheyenne Leadership	Governor	6/30/2021
Mr. Wesley Stops Jr., Crow Agency Qualifications (if required): Crow Leadership	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Native Youth Suicide Reduction Coalition Cont.</b>		
Ms. Samantha Vulles, Helena Qualifications (if required): Helena Indian Alliance Youth	Governor	6/30/2021
Mr. Todd Wilson, Helena Qualifications (if required): Helena Indian Alliance Leadership	Governor	6/30/2021
<b>Montana Oilseed Advisory Committee</b>		
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 – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Oilseed Advisory Committee Cont.</b>		
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
<b>Montana Pulse Crop Committee</b>		
Mr. Ryan Bogar, Vida Qualifications (if required): Member from an eastern district	Governor	6/30/2021
Mr. Colby Johnson, Conrad Qualifications (if required): At-large member from either district	Governor	6/30/2021
Mr. Gordon Stoner, Outlook Qualifications (if required): Member from an eastern district	Governor	6/30/2021
<b>Montana University System Restructuring Review Commission</b>		
Mr. Llewelyn E. Jones, Conrad Qualifications (if required): Member	Governor	6/30/2021
Dr. Sandra L. Boham, Pablo Qualifications (if required): Representative of Tribal Colleges	Governor	6/30/2021



**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Montana Wheat and Barley Committee</b>		
Ms. Denise Conover, Broadview Qualifications (if required): District VI Independent	Governor	6/1/2021
Mr. Charles Bumgarner, Great Falls Qualifications (if required): District V Independent	Governor	6/1/2021
Mr. Adam Carney, Scobey Qualifications (if required): District I Democrat	Governor	6/1/2021
<b>Montana Native Youth Suicide Reduction Coalition</b>		
Mr. Quincy Bjornberg, Helena Qualifications (if required): Helena Indian Alliance Leadership	Governor	6/30/2021
<b>Noxious Weed Management Advisory Council</b>		
Mr. Todd Wagner, Glasgow Qualifications (if required): Agriculture Crop Production	Governor	6/30/2021
Ms. Linda Eklund, Shawmut Qualifications (if required): Livestock Production	Governor	6/30/2021
Mr. Joel Farkell, Brady Qualifications (if required): Consumer Group	Governor	6/30/2021
Director Ben Thomas, Helena Qualifications (if required): Director of the Department of Agriculture	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Noxious Weed Management Advisory Council Cont.</b>		
Mr. Kenny Keever, Havre Qualifications (if required): Biological Research and Control Interests	Governor	6/30/2021
Mr. Trent Brusseau, Caldwell Qualifications (if required): Herbicide Dealer or applicator	Governor	6/30/2021
Ms. Kellieann Morris, Stevensville Qualifications (if required): Western County Representative	Governor	6/30/2021
Mr. Jim Olivarez, Missoula Qualifications (if required): Western County Representative	Governor	6/30/2021
Mr. Steve Tyrell, Lavina Qualifications (if required): Herbicide Dealer or applicator	Governor	6/30/2021
<b>Public Employees' Retirement Board</b>		
Mr. Timm Twardoski, Helena Qualifications (if required): Member at-large	Governor	4/1/2021
Mr. David Allen Severson, Missoula Qualifications (if required): Member at-large	Governor	4/1/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State Employee Charitable Giving Campaign Advisory Council</b>		
Mr. Gary Owen, Great Falls Qualifications (if required): Federation Representative	Governor	5/1/2021
Mr. Jasyn Harrington, Helena Qualifications (if required): Federation Representatives	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
Mr. Bill Crane, Helena Qualifications (if required): Federation Representatives	Governor	5/1/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State Employee Charitable Giving Campaign Advisory Council Cont.</b>		
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
<b>State Library Commission</b>		
Ms. Jamie Doggett, White Sulphur Springs Qualifications (if required): Public Representative	Governor	6/1/2021
Mr. Kenneth Wall, Missoula Qualifications (if required): Pubic Representative	Governor	6/1/2021
<b>State Workforce Innovation Board</b>		
Mr. Dean Bentley, Butte Qualifications (if required): Business representative	Governor	5/9/2021
<b>State-Tribal Economic Development Commission</b>		
Ms. Delina Cuts The Rope, Harlem Qualifications (if required): Alternative Representative of the Fort Belknap Indian Community	Governor	6/30/2021

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>State-Tribal Economic Development Commission Cont.</b>		
Councilwoman Brandi King, Harlem Qualifications (if required): Representative of the Fort Belknap Indian Community	Governor	6/30/2021
Mr. Ray King, Harlem Qualifications (if required): Representative of the Ft. Belknap Indian Community	Governor	6/30/2021
<b>Upper Columbia Conservation Commission</b>		
Mr. Dennis Clairmont, Pablo Qualifications (if required): Representative of 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
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

**EXECUTIVE BRANCH VACANCIES – APRIL 1, 2021 THROUGH JUNE 30, 2021**

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<b>Upper Columbia Conservation Commission Cont.</b>		
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

MONTANA ADMINISTRATIVE  
REGISTER

2021 ISSUE NO. 6  
MARCH 26, 2021  
PAGES 288-377

**CHRISTI JACOBSEN**  
SECRETARY OF STATE

P.O. BOX 202801  
HELENA, MONTANA 59620