

# MONTANA ADMINISTRATIVE REGISTER

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# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 15

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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) 438-6122.

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BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
OFFICE OF THE MONTANA STATE AUDITOR

In the matter of the adoption of New     ) NOTICE OF PUBLIC HEARING ON  
Rules I through V pertaining to the     ) PROPOSED ADOPTION  
Suitability in Annuity Transactions Act     )

TO: All Concerned Persons

1. On August 26, 2021, at 10:00 a.m., the Commissioner of Securities and Insurance, Office of the Montana State Auditor (CSI) will hold a public hearing in the Basement Conference Room of the commissioner's office at 840 Helena Avenue, in Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The CSI 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 Commissioner of Securities and Insurance, Office of the Montana State Auditor (CSI) no later than 5:00 p.m. on August 18, 2021, to advise us of the nature of the accommodation that you need. Please contact Sam Loveridge, Communications Director, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040 or 1-800-332-6148; fax (406) 444-3497; TDD (406) 444-3246; or e-mail [csi@mt.gov](mailto:csi@mt.gov).

3. The new rules proposed to be adopted provide as follows:

NEW RULE I PURPOSE (1) The purpose of these rules is to provide:

(a) model forms for mandatory disclosures to consumers prior to the recommendation or sale of an annuity and for documenting certain events at the time of a recommendation or sale of an annuity; and

(b) the process for approving, and certifying compliance with, training courses necessary to educate insurance producers prior to engaging in the recommendation or sale of an annuity.

AUTH: 33-1-313, MCA

IMP: 33-20-805, 33-20-807, MCA

REASON: The 2021 Legislature adopted substantial revisions to the Montana Suitability in Annuity Transactions Act, 33-20-801 *et seq.*, MCA, based on National Association of Insurance Commissioners (NAIC) Model Act No. 275, Suitability in Annuity Transactions. The text of NAIC Model Act No. 275 is available from this webpage: <https://content.naic.org/sites/default/files/inline-files/MDL-275.pdf>. The amendments enacted by the 2021 Legislature direct the insurance department to establish certain model forms and to approve certain training course(s) and provider(s). This proposed rule explains the goals of the new rules which follow. Where these rules cite to the Montana Code Annotated (MCA), it is to the statute effective October 1, 2021.

NEW RULE II MODEL FORMS (1) For purposes of the model forms to be provided by the insurance department under 33-20-805(4), MCA, the commissioner adopts and incorporates by reference Appendices A through C of the National Association of Insurance Commissioners (NAIC) Model Regulation No. 275, Suitability In Annuity Transactions, published Spring 2020, which set forth a model form for an insurance agent or producer's disclosure prior to the recommendation or sale of an annuity, a model form for use when a consumer refuses to provide certain information, and a model form for use when a consumer decides to purchase an annuity that is not based on a producer's recommendation. A copy of Appendices A through C of NAIC Model Act No. 275 may be obtained from the Commissioner of Securities and Insurance, Office of the Montana State Auditor, at 840 Helena Ave., Helena, MT 59601.

(2) As used in Appendix A, "cash compensation" has the same meaning set forth in the definition found at 33-20-804, MCA.

(3) As used in Appendix B, "consumer profile information" has the same meaning set forth in the definition found at 33-20-804, MCA.

AUTH: 33-1-313, MCA

IMP: 33-20-805, MCA

REASON: The amendments adopted by the 2021 Legislature contemplate three forms to make certain disclosures or statements required by the Act. Through this rule, CSI has elected to adopt by reference the forms provided with NAIC Model Act No. 275, titled as Appendices A through C, to maintain consistency both with other states, and for insurers and producers who may have already updated or developed forms to comply with the Model Act.

NEW RULE III GUIDELINES FOR APPROVAL OF TRAINING (1) The commissioner will approve training on the subject of the suitability of annuities using the process for review and approval of continuing education courses set forth at 33-17-1201 et seq., MCA.

(2) A training course intended to fulfill the requirements of 33-20-807, MCA, must be submitted for review to and recommendation by the Continuing Education Course Advisory Council established at 33-17-1204(2), MCA. Except as stated in (3), for purposes of this rule, the commissioner adopts and incorporates by reference ARM 6.6.4201 through 4213 (as in effect on [date of adoption of NEW RULE III]), which sets forth the rules for Continuing Education Program for Insurance Producers and Consultants. A copy of the rules may be obtained from the Commissioner of Securities and Insurance, Office of the Montana State Auditor, at 840 Helena Ave., Helena, MT 59601.

(3) The commissioner's adoption and incorporation by reference of the rules identified in (2) is done with the following exceptions and additions specific to the training requirements of 33-20-807, MCA:

(a) The definition of "Biennial cycle" found at ARM 6.6.4202(3) does not apply to this rule.

(b) In addition to the rules for course submissions found at ARM 6.6.4203, the submission must demonstrate the following:

- (i) In the case of any submission for a one-time, four-credit course:
  - (A) that the course contains information on at least the following topics:
    - (I) the types of annuities and various classifications of annuities;
    - (II) identification of the parties to an annuity;
    - (III) how product-specific annuity contract features affect consumers;
    - (IV) the application of income taxation of qualified and nonqualified annuities;
    - (V) the primary uses of annuities; and
    - (VI) appropriate standard of conduct, sales practices, replacement, and disclosure requirements.
  - (B) that the course does not include any information on marketing, sales techniques, or the specific aspects of a particular insurer's products.
- (ii) In the case of any submission for a one-time, one-credit course:
  - (A) that the course contains information on at least appropriate sales practices and replacement and disclosure requirements; and
  - (B) that the course does not include any information on marketing, sales techniques, or the specific aspects of a particular insurer's products.
- (c) The following revisions apply to the rule for nonresident licensees found at ARM 6.6.4208:
  - (i) The requirements for nonresident licensees found at ARM 6.6.4208(1) do not apply unless the home state or designated home state in which the nonresident licensee is licensed has adopted a law substantially similar to the Montana Suitability in Annuity Transactions Act found at 33-20-801 et seq., MCA.
  - (ii) In addition to the requirements for nonresident licensees found at ARM 6.6.4208(2), the licensee shall submit to this state proof of course completion demonstrating compliance with 33-20-807, MCA.
  - (d) In addition to the conditions for nonresident sponsoring organizations found at ARM 6.6.4213, reciprocity may only be afforded for courses intended to fulfill the requirements of 33-20-807, MCA, if the resident state has adopted a law substantially similar to the Montana Suitability in Annuity Transactions Act found at 33-20-801 et seq., MCA.
  - (e) The rule concerning extensions found at ARM 6.6.4214 is not adopted.

AUTH: 33-1-313, 33-20-807, MCA

IMP: 33-20-807, MCA

REASON: The law requires that the commissioner approve education courses and an education provider that will satisfy the training requirements set forth at 33-20-807(2)(a) through (f), MCA. This proposed rule adopts and incorporates by reference the existing standards for approving insurance producer education courses and providers set forth at 33-17-1201, et seq., MCA, and in rule at ARM 6.6.4201 et seq., with appropriate modifications and exclusions specific to the Montana Suitability in Annuity Transactions Act. This proposed rule, at (3)(a), does not adopt the definition of "biennial cycle" because the training requirements under the Act are one-time only; this rule, at (3)(b), adds to the general course content requirements of traditional continue education requirements the specific topics set forth in statute at 33-20-807(2)(c) and (d), MCA; this rule, at (3)(c) and (d), modify both the nonresident licensing requirements and nonresident sponsoring

organization requirements to ensure reciprocity is granted, but also limited, to other states that have adopted a substantially similar version of the NAIC Model Act No. 275; and this rule, at (3)(e), does not adopt the rule regarding extensions because the statute provides time limits for completion of training at 33-20-807(2)(a)(ii) and (f), MCA.

NEW RULE IV STANDARDS FOR INSURER VERIFICATION (1) An insurer's obligation to verify that a producer has completed the training requirements of 33-20-807, MCA, can be accomplished by either:

(a) obtaining certificate(s) of completion of a commissioner-approved training course; or

(b) obtaining reports from a database system that either reflects on the face of the report information establishing that the training includes at least the requirements set forth in [NEW RULE III], as applicable, or can be queried to provide that information if requested by the commissioner.

AUTH: 33-1-313, MCA

IMP: 33-20-807, MCA

REASON: An insurer is required to verify required training before permitting the producer to sell its annuity product per 33-20-807(2)(e), MCA. This proposed rule provides what information is considered necessary in order for an insurer's verification of the training requirements of its producers to be satisfactory to the commissioner.

NEW RULE V ALTERNATIVE SATISFACTION OF TRAINING REQUIREMENTS (1) A producer may submit a written request to the commissioner to evaluate a training course or courses with components substantially similar to those required, and prohibited, by 33-20-807(2), MCA.

(2) The written request must:

(a) be made within 12 months of the producer attending the course or courses to be considered;

(b) be accompanied by a time-stamped syllabus or similar material that:

(i) shows the content of the course or courses; and

(ii) establishes the minimum length of training under 33-20-807(2)(b), (f)(i), or (f)(ii), MCA, as applicable;

(c) include a narrative description, annotated syllabus, or similar cross-reference showing where each of the topics required by [NEW RULE III(3)(b)], as applicable to the producer, were addressed in the course or courses; and

(d) contain a sworn statement that the course or courses did not include any information on marketing, sales techniques, or the specific aspects of a particular insurer's products.

(3) The commissioner will approve or deny the request within 60 days.

AUTH: 33-1-313, MCA

IMP: 33-20-807, MCA

REASON: This proposed rule provides a mechanism for producers to request approval of alternate courses in satisfaction of the training requirements as provided for under 33-20-807(2)(g), MCA, and a timeline for approval by the commissioner.

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: Sam Loveridge, CSI Communications Director, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040 or 1-800-332-6148; fax (406) 444-3497; TDD (406) 444-3246; or e-mail [CSI@mt.gov](mailto:CSI@mt.gov), and must be received no later than 5:00 p.m., September 3, 2021.

5. Kirsten Madsen, legal counsel for CSI, 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 person in paragraph 4 above or may be made by completing a request form at any rules hearing held by CSI.

7. An electronic copy of this proposal notice is available through the Secretary of State's website at <http://sosmt.gov/ARM/Register>.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by email on July 16, 2021.

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

/s/ Kirsten K. Madsen

Kirsten K. Madsen  
Rule Reviewer

/s/ Mary Belcher

Mary Belcher  
Deputy Auditor  
Commissioner of Securities and Insurance,  
Office of the Montana State Auditor

Certified to the Secretary of State July 27, 2021.



BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 8.94.3729 pertaining to the ) PROPOSED AMENDMENT  
administration of the CDBG program )

TO: All Concerned Persons

1. On August 26, 2021, at 10:00 a.m., the Department of Commerce will hold a public hearing via zoom to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

a. Video:

<https://mt.gov.zoom.us/j/89311944379?pwd=L2ZBNFQ5RnJhZFFYZG0xWERXNnJTZz09>

Meeting ID: 893 1194 4379

Password: 463977

b. Phone: Dial in by Telephone: 406-444-9999

Meeting ID: 893 1194 4379

Password: 463977

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., August 24, 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) 841-2596; 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:

8.94.3729 INCORPORATION BY REFERENCE OF RULES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – COMMUNITY AND PUBLIC FACILITIES PROJECTS APPLICATION AND GUIDELINES (1) The Department of Commerce adopts and incorporates by reference the ~~2020~~ 2021 Community and Public Facilities Application and Guidelines as rules for the administration of the Community Development Block Grant (CDBG) Program.

(2) remains the same

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Community Development Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the Community Development Division's web site at

<https://comdev.mt.gov/Programs/CDBG/Facilities/ApplicationForms>  
<https://comdev.mt.gov/Programs-and-Boards/Community-Development-Block-Grant-Program/Public-and-Community-Facilities>.

AUTH: 90-1-103, MCA

IMP: 90-1-103, MCA

REASON: It is reasonably necessary to amend this rule to incorporate updated material for the administration of the 2021 Community and Public Facilities Application and Guidelines.

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, Legal Department, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 841-2596; TDD 841-2702; fax (406) 841-2771; or e-mail [docadministrativerules@mt.gov](mailto:docadministrativerules@mt.gov), and must be received no later than 5:00 p.m., September 3, 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/ Jessica Blumberg  
Jessica Blumberg  
Rule Reviewer

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

Certified to the Secretary of State July 27, 2021.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.29.3114, 24.29.3117, and ) PROPOSED AMENDMENT  
24.29.3127 pertaining to workers' )  
compensation petitions for reopening )

TO: All Concerned Persons

1. On September 9, 2021, at 9:00 a.m., the Department of Labor and Industry (department) will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. 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/89600508521>, Meeting ID: 896 0050 8521, Passcode: 858389; or

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656, Meeting ID: 896 0050 8521, Passcode: 858389.

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 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 department no later than 5:00 p.m., on September 2, 2021, to advise us of the nature of the accommodation that you need. Please contact Brandon Kirchgasler, P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-3359; facsimile (406) 444-4140; Montana TTD (406) 444-5549; or e-mail [bkirchgasler@mt.gov](mailto:bkirchgasler@mt.gov).

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

24.29.3114 SUBMISSION OF MEDICAL RECORDS AND ADDITIONAL INFORMATION--EFFECT OF FAILURE TO SUBMIT MEDICAL RECORDS OR ADDITIONAL INFORMATION (1) ~~Section 39-71-717(8), MCA, requires the department to issue the report of the medical director within 60 days of when the petition is considered filed. Due to this 60-day requirement, the~~ The parties have 14 days from the date the petition is considered filed in which to deliver to the department the medical records and any additional information the party wants considered in the medical review.

(a) and (b) remain the same.

(2) Medical records or additional information that are not timely delivered to the department will not be considered during the medical review. ~~The medical~~

~~review will be conducted considering only the materials that have been timely received by the department.~~

~~(3) When the petition is considered filed, the department will direct the insurer to deliver to the department the medical records contained in the insurer's claim file. In addition to sending the medical records in the claims file as required, the insurer is allowed to deliver to the department other medical records and any additional information the insurer wants considered in the medical review.~~

~~(4) Once the petition is considered filed, the worker is allowed to deliver to the department medical records and any additional information the worker wants considered in the medical review.~~

AUTH: 39-71-203, MCA

IMP: 39-71-717, MCA

REASON: Reasonable necessity exists to amend this rule as part of the department's ongoing efforts to shorten, clarify, and make rules more concise. Reason also exists as part of review efforts for the implementation of House Bill 199 from the 2021 legislative session.

24.29.3117 JOINT PETITION FOR REOPENING (1) remains the same.

(2) All portions of the joint petition for reopening must be completed when it is delivered to the department. However, and the medical records and other information the parties believe are important to the issue of reopening must do not need to be provided at that time.

(3) and (4) remain the same.

AUTH: 39-71-203, MCA

IMP: 39-71-717, MCA

REASON: Reasonable necessity exists to amend this rule to clarify that medical records and other information do not need to be submitted when parties jointly petition to reopen medical benefits.

24.29.3127 PERIODIC REVIEW OF CERTAIN REOPENED MEDICAL BENEFITS (1) through (3) remain the same.

(4) For parties which filed a joint petition for reopening and did not deliver medical records to the department:

(a) if they agree medical benefits should remain open until the next review, medical records are not required to be submitted for periodic review;

(b) if they do not agree medical benefits should remain open until the next review, they must notify the department within 14 days of notice of the review that they believe benefits should not continue. The medical director will then conduct a review as set forth in ARM 24.29.3114, except the date the petition is filed is the date of notification of dispute.

(4) through (5)(a) remain the same but are renumbered (5) through (6)(a).

(b) in cases where the original review was made solely by the medical director, issue a report and make recommendations as provided by ~~(6)~~ (7).

(6) and (7) remain the same but are renumbered (7) and (8).

AUTH: 39-71-203, MCA

IMP: 39-71-717, MCA

REASON: Reasonable necessity exists to amend the rule to include new (4) to establish a procedure for disputes during biennial review of previously agreed-to reopenings and pursuant to House Bill 199 from the 2021 legislative session. This procedure permits parties to dispute continued medical obligations where the bases for the joint petition no longer exist or have changed.

4. 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 Jason Swant, Employment Relations Division, P.O. Box 8011, Helena, Montana 59604-8011; facsimile (406) 444-4140; or e-mail jswant@mt.gov, and must be received no later than 5:00 p.m., September 10, 2021.

5. 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, which includes the name and e-mail or mailing address of the person to receive notices and specifies the particular subject matter or matters regarding which the person wishes to receive notices. Such written request may be mailed or delivered to the contact person in paragraph 4 above or may be made at any rules hearing held by the agency.

6. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on June 21, 2021, by electronic mail and telephone.

7. Pursuant to 2-4-111, MCA, the department has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

8. Department staff has been designated to preside over and conduct this hearing.

/s/ QUINLAN L. O'CONNOR

Quinlan L. O'Connor

Alternate Rule Reviewer

/s/ LAURIE ESAU

Laurie Esau, Commissioner

DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 27, 2021.

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

In the matter of the amendment of        ) NOTICE OF PUBLIC HEARING ON  
ARM 37.86.4401 pertaining to        ) PROPOSED AMENDMENT  
licensed marriage and family        )  
therapist        )

TO: All Concerned Persons

1. On August 26, 2021, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/87456850161>; meeting ID: 874 5685 0161; or

(b) Dial by telephone +1 646 558 8656; meeting ID: 874 5685 0161. Find your local number: <https://mt-gov.zoom.us/u/kddmkykDPF>.

2. The Department of Public Health and Human Services 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 Public Health and Human Services no later than 5:00 p.m. on August 20, 2021, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov).

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

37.86.4401 RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED  
HEALTH CENTERS, DEFINITIONS (1) through (7) remain the same.

(8) "Health professional" means services furnished by a:

(a) through (g) remain the same.

(h) licensed marriage and family therapist (LMFT);

(h) and (i) remain the same but are renumbered (i) and (j).

(9) through (18) remain the same.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

4. STATEMENT OF REASONABLE NECESSITY

Licensed marriage and family therapists (LMFT) were added as a service provider type for Montana Medicaid through MAR Notice No. 37-940.

The department now proposes to include LMFT providers as a billable health professional in rural health clinic (RHC) and federally qualified health center (FQHC) settings. By adding LMFT to the list of health professionals, their allowable services can be reimbursed through the RHC and FQHC reimbursement methodology, thereby making these services available to Medicaid members who receive health care at RHCs and FQHCs.

#### Fiscal Impact

Provider Type	SFY 2022 State Fiscal Impact	SFY 2022 Federal Fiscal Impact	SFY 2022 Total Fiscal Impact	Active Provider Count
Federally Qualified Health Centers	\$45,391	\$218,528	\$263,919	63
Rural Health Clinics	\$6,055	\$29,149	\$35,204	66

The department intends for this proposed rule amendment to be effective retroactive to April 1, 2021.

5. 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: Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., September 3, 2021.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. 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 person in 5 above or may be made by completing a request form at any rules hearing held by the department.

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

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

10. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Nicholas Domitrovich for  
Brenda K. Elias  
Rule Reviewer

/s/ Adam Meier  
Adam Meier, Director  
Public Health and Human Services

Certified to the Secretary of State July 27, 2021.



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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 37.114.701, 37.114.703, ) PROPOSED AMENDMENT AND  
37.114.704, 37.114.705, 37.114.708, ) REPEAL  
37.114.715, 37.114.716, and the )  
repeal of ARM 37.114.720 and )  
37.114.721 pertaining to school )  
immunization requirements )

TO: All Concerned Persons

1. On August 26, 2021, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment and repeal of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/864446634666> meeting ID: 864 4663 4666; or

(b) Dial by telephone +1 646 558 8656, meeting ID: 864 4663 4666. Find your local number: <https://mt-gov.zoom.us/u/keuo7NYOro>.

2. The Department of Public Health and Human Services 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 Public Health and Human Services no later than 5:00 p.m. on August 20, 2021, to advise us of the nature of the accommodation that you need. Please contact Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov).

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

37.114.701 DEFINITIONS The following definitions, together with the definitions contained in 20-5-402, MCA, apply throughout this subchapter:

(1) through (7) remain the same.

(8) "Healthcare provider" is a person who is licensed, certified, or otherwise authorized by any U.S. state or Canada to provide health care and who meets the additional qualifying criteria specified in 20-5-405, MCA.

~~(8)~~ (9) "Hib vaccine" means a vaccine immunizing against infection by Haemophilus influenzae type B disease.

(9) and (10) remain the same but are renumbered (10) and (11).

~~(11)~~ (12) "Montana Certificate of Immunization Form (HES 101)" means the form ~~prescribed by the department as required by 20-5-406, MCA~~ provided by the

department to consolidate immunization history. Copies of the form may be requested from the Department of Public Health and Human Services, Public Health and Safety Division, Communicable Disease Control and Prevention Bureau, Immunization Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951, telephone: (406) 444-5580. are electronically accessible at <https://dphhs.mt.gov/publichealth/immunization/>.

(12) through (17) remain the same but are renumbered (13) through (18).

(18) ~~"School enterer" means a pupil who is commencing attendance for the first time.~~

(19) through (23) remain the same.

AUTH: 20-5-407, MCA

IMP: 20-5-402, 52-2-703, MCA

37.114.703 REQUIREMENTS FOR ADEQUATE DOCUMENTATION OF IMMUNIZATION STATUS (1) and (2) remain the same.

(3) The following are considered adequate documentation in lieu of receiving required vaccines:

(a) remains the same.

(b) ~~documentation of a medical exemption signed by a physician~~ a medical exemption statement prepared in accordance with the requirements of 20-5-405, MCA;

(c) a religious exemption prepared in accordance with the requirements of 20-5-405, MCA; or

~~(e) (d) documentation of immunity from varicella, measles, mumps, or rubella by laboratory evidence or diagnosis/verification of disease by physician, nurse practitioner, or physician's assistant; or. The tests must indicate serological evidence of immunity and must be performed by a CLIA-approved lab. A copy of the test results must be attached to the pupil's official immunization record.~~

~~(d) documentation of a religious exemption signed and notarized at the start of each school year; or in a postsecondary setting, each year beginning with the date the pupil commences attendance.~~

AUTH: 20-5-407, MCA

IMP: 20-5-402, MCA

37.114.704 REQUIREMENTS FOR ATTENDANCE AT A PRESCHOOL

(1) and (2) remain the same.

(3) A preschool must keep immunization data for each enrolled pupil ~~on HES 101~~, including the date, month, and year of administration of all required vaccines. The HES 101 may be used for this purpose, but is not mandatory.

(4) remains the same.

AUTH: 20-5-407, MCA

IMP: 20-5-403, 20-5-406, MCA

37.114.705 REQUIREMENTS FOR UNCONDITIONAL ATTENDANCE AT A SCHOOL OFFERING ANY PORTION OF GRADES KINDERGARTEN THROUGH 12 (1) remains the same.

(2) Vaccines immunizing against diphtheria, pertussis, and tetanus must be administered as follows:

(a) and (b) remain the same.

(c) Prior to entering the seventh grade, a pupil must receive a dose of Tdap vaccine if the following criteria are met:

(i) remains the same.

(ii) a dose of Tdap vaccine was not given to the pupil at ~~seven~~ ten years of age or older;

(d) If a pupil enters the seventh grade before reaching 11 years of age, a booster shot of Tdap vaccine must be administered to the pupil as soon as possible after the pupil attains that age, unless the pupil already was administered a dose of Tdap vaccine at ~~seven~~ ten years of age or older.

(3) through (5) remain the same.

AUTH: 20-5-407, MCA

IMP: 20-5-403, 20-5-405, 20-5-406, MCA

37.114.708 DOCUMENTATION OF IMMUNIZATION STATUS OF PERSONS COMMENCING ATTENDANCE IN PRESCHOOL OR KINDERGARTEN THROUGH GRADE 12 (1) ~~After receiving the documentation set forth in ARM~~

37.114.703, A a school must obtain and keep the following immunization data for each pupil on HES 101 ~~after receiving adequate documentation of:~~

(a) through (2) remain the same.

(3) If the information required by (1) has not been provided to the school on HES 101:

(a) immunization data ~~must~~ may be transferred onto HES 101 from adequate documentation; ~~and~~

~~(b) sections I and II of HES 101 must be signed and dated by a school official or the official's designee; and~~

~~(c) (b) a copy of the adequate documentation must be attached to HES 101 the official immunization record.~~

AUTH: 20-5-407, MCA

IMP: 20-5-406, MCA

37.114.715 MEDICAL EXEMPTION (1) A prospective pupil seeking to attend school is not required to have any immunizations which are medically contraindicated. ~~A written and signed statement from a physician that an immunization is medically contraindicated~~ medical exemption statement prepared and signed in accordance with the requirements of 20-5-405, MCA, will exempt a prospective pupil from those immunization requirements as deemed necessary by the physician. The required vaccines are listed in 20-5-403, MCA specified in the exemption.

~~(2) The statement must include:~~

(a) ~~which specific immunization is contraindicated;~~  
(b) ~~the period of time during which the immunization is contraindicated;~~  
(c) ~~the reasons for the medical contraindication; and~~  
(d) ~~when deemed necessary by a physician, the results of immunity testing performed on a pupil entering kindergarten through grade 12. The tests must indicate serological evidence of immunity and must be performed by a CLIA approved lab. A copy of the test result must be attached to HES 101, beginning with school enterers in school year 2005-2006.~~

(3) (2) It is preferred, but not mandatory, that ~~a physician's~~ the medical exemption be recorded on the HES 101A "Medical Exemption Statement" form provided by the department.

(4) (3) The ~~physician's written~~ medical exemption statement must be maintained by the school as part of the immunization record of the pupil qualifying for the exemption. In preschool and kindergarten through grade 12 settings, the ~~written statement~~ medical exemption statement must be attached to the HES 101 ~~beginning with the 2005-2006 school year~~ official immunization record.

AUTH: 20-5-407, MCA

IMP: 20-5-405, 20-5-406, MCA

37.114.716 RELIGIOUS EXEMPTION (1) A prospective pupil seeking to attend school is exempt from ~~all or part of the~~ those immunization requirements if ~~the parent or guardian of that prospective pupil, an adult responsible for that prospective pupil, or the prospective pupil if an adult or an emancipated minor, objects thereto in a signed, written statement indicating that the proposed immunization interferes with the free exercise of the religious beliefs of the person signing the statement.~~ specified in a religious exemption that is prepared and signed in accordance with the requirements of 20-5-405, MCA. The religious exemption must be prepared using form HES 113 "Affidavit of Exemption on Religious Grounds from Montana School Immunization Law and Rules" provided by the department.

(2) ~~In any school other than a postsecondary school, a claim of exemption from immunization requirements on religious grounds must be notarized annually and maintained on a form HES 113, Affidavit of Exemption on Religious Grounds, provided by the department. The form must be provided to the school prior to each school year attendance by the parent, guardian or adult responsible for the pupil. If the pupil is 18 years of age or older or emancipated, the pupil may claim the exemption.~~

(3) ~~In a postsecondary setting, a religious exemption must be maintained on form HES 113 and signed, notarized and submitted each year of attendance, beginning with the date of initial attendance at the school. The form must be completed and resubmitted each year thereafter.~~

(4) ~~remains the same but is renumbered (3).~~

AUTH: 20-5-407, MCA

IMP: 20-5-405, 20-5-406, MCA

4. The department proposes to repeal the following rules:

37.114.720 REPORT OF IMMUNIZATION STATUS

AUTH: 20-5-407, MCA

IMP: 20-5-408, MCA

37.114.721 REPORT OF NONCOMPLIANCE FOR KINDERGARTEN  
THROUGH GRADE 12

AUTH: 20-5-407, MCA

IMP: 20-5-408, MCA

5. STATEMENT OF REASONABLE NECESSITY

ARM 37.114.701, 37.114.703, 37.114.704, 37.114.708, 37.114.715, and 37.114.716

The Department of Public Health and Human Services (department) is proposing to amend these rules to meet the requirements of House Bill (HB) 334 passed during Montana's 67th Legislative Session. HB 334 revises laws related to medical and religious exemptions to student immunization requirements, revises requirements for immunization forms, and establishes limitations on examination and use of immunization records. HB 334 allows healthcare providers who meet certain requirements set forth under the bill to sign student medical exemptions. The law formerly allowed only for physicians to sign student medical exemptions. HB 334 also removes the requirement for schools to maintain a department specific form for capturing medical exemptions and for consolidating immunization records into one form. Additionally, HB 334 removes the requirement for religious exemptions to be updated annually.

The proposed rule amendments implement the statutory changes to student immunization requirements resulting from passage of HB 334. The proposed amendments remove language allowing only for physicians to sign student medical exemptions. The proposed amendments also remove language mandating the use of department forms for capturing medical exemptions and for consolidating immunization records. The proposed amendments are necessary to implement the requirements of HB 334 and to align the department's rules with the new law.

ARM 37.114.705

The department is proposing to amend ARM 37.114.705 to update school immunization age requirements for the Tdap (tetanus, diphtheria, pertussis) vaccine to more closely align with Advisory Committee on Immunization Practice (ACIP) recommendations. These recommendations are considered the standard of care for children and have been in place since 2018. The proposal to amend this rule is necessary to reduce confusion relating to the age requirements for these immunizations and to ensure the rule conforms with current standards of medical care.

ARM 37.114.720 and 37.114.721

The department is proposing to repeal ARM 37.114.720 and 37.114.721 to remove the requirement for schools to report student immunization status to the department and local health authorities. HB 334 removes the requirement for schools to provide a report to the department and local health authorities of the immunization status of the pupils under its jurisdiction. Repeal of these rules is necessary to conform with requirements of HB 334 and to align the department's rules with the new law.

Fiscal Impact

There is no anticipated fiscal impact associated with the proposed rulemaking.

6. 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: Heidi Clark, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., September 3, 2021.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

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

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor of HB 334 was notified by email on July 20, 2021.

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

/s/ Robert Lishman  
Robert Lishman  
Rule Reviewer

/s/ Adam Meier  
Adam Meier, Director  
Public Health and Human Services

Certified to the Secretary of State July 27, 2021

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 2.11.203 pertaining to the )  
adoption of a state plan of operation )  
for federal surplus property )

TO: All Concerned Persons

1. On April 16, 2021, the Department of Administration published MAR Notice No. 2-11-614 pertaining to the proposed amendment of the above-stated rule at page 378 of the 2021 Montana Administrative Register, Issue Number 7.

2. The department has amended the above-stated rule and the Federal Surplus Property Program Montana State Plan of Operation referenced therein exactly as proposed.

3. The department received one comment. The comment is summarized below with the department's response:

COMMENT: One commenter expressed dissatisfaction with the variety of items now available through the surplus program in comparison with previous years. The commenter suggested not-for-profit organizations historically obtained surplus items at lower prices than are available through public auctions.

RESPONSE: The department appreciates the comments; however, they are beyond the scope of this rulemaking which pertains only to the Montana Federal Surplus Property Program State Plan of Operation. The department has no control over the property federal agencies make available to the state or the prices of items sold at public auction.

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 July 27, 2021.

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

In the matter of the amendment of ARM	)	NOTICE OF AMENDMENT AND
24.159.301 definitions, 24.159.401	)	REPEAL
fees, 24.159.416 qualifications for	)	
executive director of the board,	)	
24.159.502 nurse licensure compact	)	
rules, 24.159.604 program standards,	)	
24.159.612 program annual report,	)	
24.159.625 establishment of a new	)	
program, 24.159.650 program director,	)	
24.159.655 program faculty,	)	
24.159.663 waiver of faculty	)	
qualifications, 24.159.910 general	)	
requirements for licensure as	)	
medication aide I, 24.159.911 general	)	
requirements for licensure as	)	
medication aide II, 24.159.1011	)	
prohibited intravenous (IV) therapies,	)	
24.159.1021 temporary practice permit,	)	
24.159.1029 LPN licensure by	)	
examination for internationally educated	)	
applicants, 24.159.1221 temporary	)	
practice permit, 24.159.1229 RN	)	
licensure by examination for	)	
internationally educated applicants,	)	
24.159.1418 licensure by endorsement,	)	
24.159.1427 renewals, 24.159.1463	)	
application for prescriptive authority,	)	
24.159.1464 prescribing practices,	)	
24.159.1469 APRN competence	)	
development, 24.159.1601 purpose,	)	
24.159.1611 criteria for delegation of	)	
nursing tasks, 24.159.1625 general	)	
nursing functions and tasks that may	)	
not be delegated, 24.159.2301 conduct	)	
of nurses, and the repeal of	)	
24.159.1023, 24.159.1223, and	)	
24.159.1416 grounds for denial of a	)	
license	)	

TO: All Concerned Persons

1. On June 11, 2021, the Board of Nursing (board) published MAR Notice No. 24-159-89 regarding the public hearing on the proposed amendment and repeal



of the above-stated rules, at page 673 of the 2021 Montana Administrative Register, Issue No. 11.

2. On July 2, 2021, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. No comments were received by the July 9, 2021 deadline.

3. The board has amended ARM 24.159.301, 24.159.401, 24.159.416, 24.159.502, 24.159.604, 24.159.612, 24.159.625, 24.159.650, 24.159.655, 24.159.663, 24.159.910, 24.159.911, 24.159.1011, 24.159.1021, 24.159.1029, 24.159.1221, 24.159.1229, 24.159.1418, 24.159.1427, 24.159.1463, 24.159.1464, 24.159.1469, 24.159.1601, 24.159.1611, 24.159.1625, and 24.159.2301 exactly as proposed.

4. The board has repealed ARM 24.159.1023, 24.159.1223, and 24.159.1416 exactly as proposed.

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

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

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

Certified to the Secretary of State July 27, 2021.

BEFORE THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the amendment of ARM        )  
36.25.205 pertaining to Oil and Gas        )  
Leases on State Lands        )

NOTICE OF AMENDMENT

To: All Concerned Persons

1. On April 30, 2021, the Department of Natural Resources and Conservation (department) published MAR Notice No. 36-22-200 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 459 of the 2021 Montana Administrative Register, Issue Number 8.

2. The department has amended ARM 36.25.205 as proposed.

3. The following comment was received and appears with the department's response:

COMMENT NO. 1: A commenter stated support for the amendment, noting support for SB 41 during the 2019 Legislative Session. The commenter preferred that the department retain a portion of the language stricken from the existing rule.

RESPONSE: The department appreciates the commenter's support. The language was stricken as the revised text ("The department has discretion to waive or postpone if circumstances warrant") is broader and allows for cancellation due to insufficient applications.

/s/ Amanda Kaster  
Amanda Kaster  
Director  
Natural Resources and Conservation

/s/ Bradley R. Jones  
Bradley R. Jones  
Rule Reviewer

Certified to the Secretary of State on July 27, 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<br>Subject | 1. Consult ARM Topical Index.<br>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 June 30, 2021. This table includes notices in which those rules adopted during the period February 12, 2021, through July 23, 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 June 30, 2021, 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 2021 Montana Administrative Registers.

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

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| 2-59-610 | Application for Organizing a New Credit Union - Annual Reports, p. 97, 275   |
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- 8-97-100 Board of Investments Rules, p. 205, 466

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