

MONTANA ADMINISTRATIVE REGISTER

2018 ISSUE NO. 18
SEPTEMBER 21, 2018
PAGES 1847-1939



MONTANA ADMINISTRATIVE REGISTER

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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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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) 444-9000.

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BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 8.22.2702, 8.22.3201,) AMENDMENT
8.22.3421, and 8.22.3706 pertaining)
to the Montana Board of Horse)
Racing) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Commerce proposes to amend the above-stated rules.

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., October 15, 2018, 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 59620-0501; telephone (406) 841-2596; TDD (406) 841-2731; facsimile (406) 841-2771; or e-mail to bmartello@mt.gov.

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

8.22.2702 ANNUAL LICENSE FEES (1) through (12)(v) remain the same.
(w) Simulcast site or network license 40 140
(x) through (15) remain the same.
(16) Former MBOHR board members 0
(17) Pioneer license 0
(30+ years in the industry, not currently licensed, and must
be approved by the State Steward.)

AUTH: 23-4-104, 23-4-201, 37-1-134, MCA
IMP: 23-4-104, 23-4-201, 37-1-134, MCA

8.22.3201 GENERAL RULES (1) remains the same.

(2) All horses entered in races held under these rules may be subject to inspection by the track veterinarian at any time before or after a race. After each race whenever possible a urine and/or hair and/or post-race serum or plasma sample shall be collected from each winning horse and such other horses as may be designated by the stewards. Such samples shall be designated as official samples and they shall be sealed in the presence of the trainer or his or her authorized representative and an official receipt signed by such person to indicate that the sample is a true and prompt sample from the horse in question shall be given.

(3) The stewards of the meeting may require at any time that any horse be sent to the testing enclosure for the taking of such specimens of saliva, urine, hair and/or blood as shall be directed, as well as for an examination for "sponging" and other examinations as may be directed.

(4) through (19) remain the same.

(20) In regard to hair sampling, the presence of any prohibited substances that appear in a pre-race or post-race sample including, but not limited to, clenbuterol, zilpaterol, and ractopamine will constitute a violation.

(21) If a horse is selected for hair testing and the mane is less than three inches in length, a hair sample may be collected from the tail.

AUTH: 23-4-104, 23-4-202, 37-1-131, MCA

IMP: 23-4-104, 23-4-202, MCA

8.22.3421 WITHHOLDING TAX (1) The payor of a parimutuel payoff that is over \$5,000 and 300 to one odds must withhold federal income tax on the total winnings payment at a 28% rate defined by the Internal Revenue Service.

(2) remains the same.

AUTH: 23-4-202, MCA

IMP: 23-4-301, 23-4-302, 23-4-303, MCA

8.22.3706 CONDUCT OF MATCH BRONC RIDES (1) through (10) remain the same.

(11) After the completion of both sections of the long-go, the rodeo secretary, in consultation with the stewards, shall without delay compile a list of ~~the top ten scores~~ up to ten of the top scores. These ten individuals shall be deemed qualified to enter the championship round or short-go. If one of the ten qualifiers is unable to compete due to injury or withdrawal, the next highest scoring qualifier shall advance to the championship round. Should fewer than ten riders qualify for the short-go championship, the number of betting entries for the short-go round shall be adjusted accordingly.

(12) through (14) remain the same.

AUTH: 23-4-104, 23-4-202, MCA

IMP: 23-4-101, 23-4-105, 23-4-202, MCA

REASON: The Montana Board of Horse Racing is cleaning up language along with clarifying and real lining fees and testing.

4. Concerned persons may submit their data, views, or arguments in written form or a request for opportunity to submit data, views, or arguments in oral form to: Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; telephone (406) 841-2596; TDD (406) 841-2731; facsimile (406) 841-2771; or e-mail to bmartello@mt.gov, and must be received no later than 5:00 p.m., October 19, 2018.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Bonnie Martello at the above address no later than 5:00 p.m., October 19, 2018.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 150 persons based on 1,500 licensees.

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 may 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 Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, by fax to (406) 841-2701, by e-mail to bmartello@mt.gov, or by completing a request form at any rules hearing held by the department.

8. Pursuant to 2-4-302(1)(c)(i) and (ii), MCA, the department is required to estimate the cumulative amount for all persons of the proposed increase, decrease, or new amount and the number of persons affected. The department is proposing to increase the license fee for a simulcast site or network from \$40 to \$140. This proposed increase is estimated to have a cumulative impact of \$600 and to affect six persons.

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

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

/s/ G. MARTIN TUTTLE
G. MARTIN TUTTLE
Rule Reviewer

/S/ PAM HAXBY-COTE
PAM HAXBY-COTE
Director Department of Commerce

Certified to the Secretary of State September 11, 2018.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
ARM 8.99.917 pertaining to the) ON PROPOSED AMENDMENT
implementation of the Big Sky)
Economic Development Trust)
Program)

TO: All Concerned Persons

1. On October 11, 2018, at 10:30 a.m., the Department of Commerce will hold a public hearing in Room 226 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana, 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., October 9, 2018, 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 59620-0501; telephone (406) 841-2596; TDD (406) 841-2701; facsimile (406) 841-2771; or e-mail to bmartello@mt.gov.

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

8.99.917 INCORPORATION BY REFERENCE OF RULES GOVERNING SUBMISSION AND REVIEW OF APPLICATIONS (1) The department adopts and incorporates by reference the 2018-2019 Big Sky Economic Development Trust Fund Application Guidelines (August 2018), with the most current guidelines being posted on the Big Sky Economic Development Trust Fund web site, as rules governing the submission and review of applications under the program.

(2) remains the same.

(3) ~~Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Montana Office of Tourism and Business Development Division, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, or on the web at <http://businessresources.mt.gov/BSTF>~~ Copies of the Application Guidelines and Administration Manual adopted by reference in (1) can be viewed on the department's web site at <http://marketmt.com/bstf>.

AUTH: 90-1-203, MCA

IMP: 90-1-203, 90-1-204, 90-1-205, MCA

REASON: The Department of Commerce is updating the 2018-2019 Biennium Big Sky Economic Development Trust Fund Grant Application Guidelines, which are

incorporated, by reference, into the rules to expedite the review and approval of projects thereby making the program more responsive to the needs of Montana business and providing clarifying language on definitions.

4. Concerned persons may submit their data, views, or arguments in written form or a request for opportunity to submit data, views, or arguments in oral form to: Annmarie Robinson, Montana Office of Tourism and Business Development, 301 South Park Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; telephone (406) 841-2744; TDD (406) 841-2731; facsimile (406) 841-2771; or e-mail to arobinson3@mt.gov, and must be received no later than 5:00 p.m., October 19, 2018.

5. Annmarie Robinson, Section Manager, 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 person 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/ G. Martin Tuttle

G. Martin Tuttle
Rule Reviewer

/s/ Pam Haxby-Cote

Pam Haxby-Cote
Director
Department of Commerce

Certified to the Secretary of State September 11, 2018.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
ARM 8.99.806 pertaining to the) ON PROPOSED AMENDMENT
implementation of the Primary Sector)
Workforce Training Program)

TO: All Concerned Persons

1. On October 11, 2018, at 10:00 a.m., the Department of Commerce will hold a public hearing in Room 226 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana, 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., October 9, 2018, 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 59620-0501; telephone (406) 841-2596; TDD (406) 841-2701; facsimile (406) 841-2771; or e-mail to bmartello@mt.gov.

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

8.99.806 INCORPORATION BY REFERENCE OF RULES GOVERNING SUBMISSION AND REVIEW OF APPLICATIONS (1) The department adopts and incorporates by reference the 2019 Biennium Primary Sector Workforce Training Grant Application Guidelines (August 2018), with the guidelines being posted on the Primary Sector Workforce Training Grant web site, as rules governing the submission and review of applications under the program.

(2) and (3) remain the same.

AUTH: 39-11-202, MCA

IMP: 39-11-202, MCA

REASON: The Department of Commerce is updating the 2019 Biennium Primary Sector Workforce Training Grant Application Guidelines, which are incorporated, by reference, into the rules to expedite the review and approval of projects thereby making the program more responsive to the needs of Montana business. The state statute explicitly details the program's procedures.

4. Concerned persons may submit their data, views, or arguments in written form or a request for opportunity to submit data, views, or arguments in oral form to: Annmarie Robinson, Montana Office of Tourism and Business Development, 301

South Park Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; telephone (406) 841-2744; TDD (406) 841-2731; facsimile (406) 841-2771; or e-mail to arobinson3@mt.gov, and must be received no later than 5:00 p.m., October 19, 2018.

5. Annmarie Robinson, Section Manager, 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 person 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/ G. Martin Tuttle
G. Martin Tuttle
Rule Reviewer

/s/ Pam Haxby-Cote
Pam Haxby-Cote
Director
Department of Commerce

Certified to the Secretary of State September 11, 2018.

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of soliciting applications)	NOTICE OF NEGOTIATED
for membership on a negotiated)	RULEMAKING
rulemaking committee to develop)	
administrative rule language)	
pertaining to recreational use on the)	
Madison River)	

TO: All Concerned Persons

1. The Fish and Wildlife Commission (commission) intends to establish an independent negotiated rulemaking committee to develop administrative rule language pertaining to recreational use on the Madison River.

2. The independent negotiated rulemaking committee will consider issues for reaching a consensus on the development of administrative rule language which could affect commercial and recreational use of the Madison River.

3. Interests that are likely to be significantly affected by the proposed rule are commercial users and previous or current recreationists on the Madison River.

4. One individual will be appointed to represent the commission on the negotiated rulemaking committee.

5. One individual will be appointed to represent the Department of Fish, Wildlife and Parks on the committee.

6. The commission is seeking applications from interested parties to serve on a diverse committee to represent the various interest categories that recreate on the Madison River or are affected by recreation management decisions. The commission is seeking individuals who are willing to work toward collaborative solutions to meet their own personal interests as well as the interests of the other committee members and the public at large to reach consensus on the proposed rule. It is imperative committee members treat each other with respect and civility. The structure of the committee will be focused on all the interests being represented rather than equal representation of persons for each interest. Consensus is required for a proposal to be advanced to the commission; therefore, any one person can affect the outcome of each recommendation before committee. The commission will appoint approximately eight to ten people to represent the interests. People with the ability to represent more than one interest category are desirable.

7. The commission has identified the following as interests to be represented on the committee:

float angling
wade angling

regulated commercial use of the Madison River
Montana licensed fish outfitting
Montana licensed fish guiding
visitation of Fishing Access Sites not used for floating or fishing
ownership of land adjacent to the Madison River
non-angling boating
employment in recreation or tourism business
personal or financial interest in commercial angling
non-angling business ownership
organized interest group
any other interest deemed appropriate that may be identified through the application process

8. The proposed working schedule for the negotiated rulemaking committee is as follows:

(a) On September 21, 2018, this notice and application materials for membership on the negotiated rulemaking committee will also be mailed to persons known to the agency to have an interest in this matter and posted on the Department of Fish, Wildlife and Parks' website (www.fwp.mt.gov).

(b) On September 21, 2018, this notice and application materials will be mailed to persons generally interested in river recreation and general topics related to fish, wildlife, and parks.

(c) Applications for membership on the negotiated rulemaking committee must be received no later than October 22, 2018. After receipt and consideration of the comments and applications, the commission will establish a negotiated rulemaking committee no later than December 7, 2018. The members selected to serve on the committee must be able to adequately represent the interests of the persons that will be significantly affected by the proposed rule. The committee member will be notified in writing of their selection and receive an information packet.

(d) The negotiated rulemaking committee will convene its first meeting in January 2019. Location of meetings will depend on availability of meeting rooms and travel distance for committee members. After selection of the committee, committee members will be provided with many documents that will need to be reviewed prior to the first meeting.

(e) The commission expects the committee to reach consensus on proposed rule language by March of 2019.

9. The commission will make reasonable accommodations for persons with disabilities who wish to participate on the committee.

10. Interested parties may submit their application for membership or concerned persons may submit their views and comments concerning the proposed negotiated rulemaking process to: Madison River Negotiated Rulemaking, Department of Fish, Wildlife and Parks, 1400 South 19th, Bozeman, MT, 59718; or e-mail madisonrivercom@mt.gov, and must be received no later than October 22, 2018.

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Department of Fish, Wildlife and Parks

/s/ Richard Stuker

Richard Stuker

Vice-Chair

Fish and Wildlife Commission

Certified to the Secretary of State September 11, 2018.

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

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rules I through XVIII and the) PROPOSED ADOPTION AND
amendment of ARM 37.106.322) AMENDMENT
pertaining to eating disorder centers)

TO: All Concerned Persons

1. On October 11, 2018, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services building at 111 North Sanders, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

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 September 28, 2018, to advise us of the nature of the accommodation that you need. Please contact Todd Olson, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-9503; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

NEW RULE I EATING DISORDER CENTERS (EDC): APPLICATION OF OTHER RULES (1) In addition to these rules, an EDC must comply with licensure rules in ARM Title 37, chapter 106, subchapter 3. To the extent that licensure rules in ARM Title 37, chapter 106, subchapter 3 conflict with the terms of ARM Title 37, chapter 106, subchapter 12, the terms of subchapter 12 will apply to an EDC.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE II EATING DISORDER CENTERS (EDC): DEFINITIONS

(1) "Clinical director" means a social worker, psychologist, or clinical professional counselor licensed under Title 37, MCA, who oversees an EDC's clinical services. A clinical director cannot be a licensure candidate.

(2) "Eating disorder" means any of several psychological disorders such as anorexia nervosa, bulimia nervosa, binge eating disorder, pica, rumination disorder, avoidant/restrictive food intake disorder, or other specific feeding or eating disorders characterized by serious disturbances to a person's eating behaviors.

(3) "Intensive outpatient program" means a program that provides more structure and support than standard outpatient therapy.

(4) "Meal support" means the provision of support during meal times, focused specifically on helping the individual to consume the food on their meal plan and redirecting behaviors that sabotage eating and recovery.

(5) "Medical director" means a psychiatrist licensed under Title 37, MCA, who oversees an EDC's services.

(6) "Mental health professional" means a psychologist, social worker, or professional counselor licensed under Title 37, MCA, or a licensure candidate registered under Title 37, MCA.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE III EATING DISORDER CENTERS (EDC): LICENSES (1) The department shall issue a license from one to three years in duration for an EDC to any applicant meeting all the requirements established by these rules and the governing statutes, as determined by the department after a licensing survey.

(2) The department will issue a renewal license for a period of one to three years in duration for an EDC if:

(a) the EDC makes written application for renewal at least 30 days prior to the expiration date of the current license; and

(b) the EDC continues to meet all requirements established by these rules and governing statutes, as determined by the department after a licensing survey.

(3) If an EDC makes timely application for renewal of a license, but the department does not complete the relicensing survey before the expiration date of the previous year's license, the previous year's license will continue in effect for the time necessary for the department to complete the relicensing survey and to determine compliance with licensing requirements.

(4) The department may in its discretion issue a provisional license for any period up to six months to any applicant which:

(a) has met all licensing requirements for fire safety; and

(b) has agreed in writing to comply fully with all licensing requirements established by these rules within the time covered by the provisional license.

(c) the department may, in its discretion, renew a provisional license if the applicant shows good cause for failure to comply fully with all licensing requirements within the time covered by the prior provisional license, but the total time covered by the initial provisional license and renewals may not exceed one year.

(5) The department may consider as eligible for licensure, during the accreditation period, an EDC that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the Commission on Accreditation of Rehabilitation Facilities or The Joint Commission. The department may inspect an EDC considered eligible for licensure to ensure compliance with state licensure standards.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE IV EATING DISORDER CENTERS (EDC): LICENSING PROCEDURES (1) An application for an EDC license must be made on an application form provided by the department and include plans required by ARM 37.106.306.

(2) The EDC must submit all written program management policies and procedures to the department for approval with the initial application. Policies and procedures must comply with requirements outlined in this subchapter. The EDC shall submit to the department any significant changes to policies and procedures for approval.

(3) Upon receipt of a complete application for license or renewal of license and applicable fees pursuant to 50-5-202, MCA, the department will conduct a licensing survey to determine if the applicant meets applicable licensing requirements.

(4) If the department determines during the survey that the applicant is out of compliance with applicable licensing requirements, the department will notify the applicant of the specific deficiencies, and the applicant must submit a written plan of correction within ten working days of the department's notification of noncompliance specifying how compliance will be achieved.

(5) The department must approve the plan of correction prior to issuing a license.

(6) The department will not issue a license or renew a license until it receives all required or corrected information.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE V EATING DISORDER CENTERS (EDC): SERVICES REQUIRED (1) An EDC must provide the follow services:

- (a) outpatient therapy;
- (b) family therapy;
- (c) group therapy;
- (d) nutritional counseling; and
- (e) crisis services.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE VI EATING DISORDER CENTERS (EDC): ELIGIBILITY FOR SERVICES (1) An EDC must have written policies and procedures for determining eligibility for services that include:

- (a) the criteria to determine eligibility for services;
- (b) the information required to be collected to determine eligibility for services;
- (c) the population of individuals accepted or not accepted for services; and
- (d) the procedures for accepting referrals.

(2) The EDC must have a policy and procedures for managing wait lists for services.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE VII EATING DISORDER CENTERS (EDC): CLIENT SCREENING AND ASSESSMENTS (1) An EDC must have a screening procedure for the early detection of risk of imminent harm to self or others. The procedure must:

- (a) be completed on the first contact; and
- (b) include a process for responding when an immediate risk of harm is identified.

(2) An EDC must complete a clinical intake assessment within three contacts, for each client, and must be updated annually.

(3) Clinical intake assessments must be conducted by a licensed mental health professional trained in clinical assessments and must include the following information in a narrative form to substantiate the client's diagnosis and provide sufficient detail to plan of care goals and objectives:

- (a) presenting problem and history of problem;
- (b) mental status;
- (c) diagnostic impressions;
- (d) initial plan of care goals;
- (e) risk factors to include suicidal or homicidal ideation;
- (f) psychiatric history;
- (g) substance use/abuse and history;
- (h) current medication and medical history;
- (i) financial resources and residential arrangements;
- (j) education and/or work history; and
- (k) legal history relevant to history of illness, including guardianships, civil commitments, criminal mental health commitments, and prior criminal background.

(4) The clinical intake assessment must include an assessment of the client's food-related behaviors including the client's beliefs, perceptions, attitudes, and behavior regarding food. The assessment may include family observations regarding the individual's food-related behavior when available.

(5) Within two weeks of admission into the program the EDC must perform or make a documented referral for the following tests, screenings, and procedures based on the needs of the client:

- (a) complete blood count;
- (b) comprehensive serum metabolic profile, including phosphorus and magnesium;
- (c) thyroid function test;
- (d) electrocardiogram (ECG), if clinically indicated;
- (e) body mass index;
- (f) screenings for eating disorder behaviors; and
- (g) any additional laboratory testing, as determined appropriate.

(6) The EDC may accept test results required in (5) from other health care professionals completed within two weeks prior to acceptance for services.

(7) The EDC must maintain a current list of providers who accept referrals for assessments and services not provided by the EDC.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE VIII EATING DISORDER CENTERS (EDC): PLAN OF CARE

(1) An EDC must have a multi-disciplinary plan of care that is supervised and directed by the admitting psychiatrist, and consisting of adequate numbers of individuals licensed, registered, or certified in the physical and mental health disciplines appropriate to the condition of each client.

(2) Based upon the findings of an assessment, the EDC must establish an individualized plan of care for each client within five contacts or 21 days from the first contact, whichever is later. The plan of care must:

(a) specify a diagnosis based on the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), or the International Classification of Diseases, Tenth Revision (ICD-10);

(b) identify plan of care team members, from within and outside of the EDC, who are involved in the client's treatment and care;

(c) include individual goals that are expressed in a manner that captures the client's words or ideas;

(d) include objectives that include identified steps to achieve the goal;

(e) include nutritional rehabilitation to support regular and consistent weight when indicated;

(f) include measurable improvement in eating disorders behavior;

(g) identify projected timeframe for completion of goals and objectives as determined by the behavioral health needs of the client;

(h) identify the staff person responsible for each treatment service to be provided;

(i) include family participation in treatment unless such participation is contraindicated. Written documentation must indicate the reason participation is contraindicated;

(j) include signatures from the client, the client's legal guardian (if applicable), the licensed mental health professional and any other person responsible in implementation of the plan; and

(k) describe how the EDC will monitor the client's weight and food-related behaviors.

(3) The plan of care must be reviewed face-to-face at least every:

(a) 90 days for outpatient therapy;

(b) 30 days for intensive outpatient programs; or

(c) seven days for partial hospitalization programs.

(4) Plan of care reviews must include:

(a) the client;

(b) the client's legal guardian (if applicable);

(c) the licensed mental health professional involved in developing the plan;

(d) any person with responsibility in implementation of the plan;

(e) documentation on progress towards objectives and goals; and

- (f) date and signature of all persons indicating participation in the review.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE IX EATING DISORDER CENTERS (EDC): GOVERNING BODY AND MANAGEMENT (1) An EDC must identify an individual or individuals to constitute its governing body. The governing body must:

- (a) exercise general policy, budget, and operating direction over the EDC; and
 - (b) appoint an administrator of the EDC.
- (2) The administrator appointed by the governing body must:
- (a) have the minimum qualifications for hire as determined by the governing body;
 - (b) maintain daily overall management responsibility for the operation of the EDC; and
 - (c) develop and oversee the implementation of policies and procedures pertaining to the operation and services of the EDC.
- (3) The administrator may also serve as the medical director or clinical director if the administrator meets the qualifications of the respective position.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE X EATING DISORDER CENTERS (EDC): STAFFING REQUIREMENTS (1) An EDC shall employ or contract with a medical director who must:

- (a) coordinate with and advise EDC staff on medical services provided;
 - (b) participate in the development and approval of the program's policy and procedure manual;
 - (c) act as a liaison for the EDC with community physicians, hospital staff, and other professionals and agencies regarding psychiatric services; and
 - (d) ensure the quality of treatment and related services through participation in the EDC's quality assurance process.
- (2) The EDC must:
- (a) employ a clinical director;
 - (b) employ a registered nurse licensed under Title 37, MCA;
 - (c) employ or contract with a psychiatrist or advanced practice registered nurse licensed under Title 37, MCA;
 - (d) employ the number of qualified mental health professionals and support staff necessary to adequately evaluate clients and to sufficiently participate in each individual plan of care; and
 - (e) employ or contract with a registered dietitian to provide for the client's nutritional needs, including assessing, educating, and counseling individuals, parents and/or legal guardians, and staff on food and nutritional related issues.
- (3) The EDC must develop minimum qualifications for the hiring of all employed or contracted staff.

- (4) All staff must receive orientation and training in areas relevant to the employee's duties and responsibilities, including:
 - (a) an overview of the EDC's policy and procedure manual in areas relevant to the staff's job responsibilities;
 - (b) a review of the staff's job description; and
 - (c) services provided by the EDC.
- (5) Documentation of orientation and ongoing training must be placed in the staff's personnel record.
- (6) The EDC must conduct criminal background checks on all staff in accordance with EDC policy.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE XI EATING DISORDER CENTERS (EDC): DISCHARGE OR TRANSFER (1) An EDC must have written policies and procedures for discharge.

- (2) The EDC must develop a discharge summary for each client no longer receiving services. The discharge summary must include:
 - (a) reason for discharge;
 - (b) a summary of services provided;
 - (c) evaluation of the client's progress towards plan of care goals;
 - (d) level of care recommendations;
 - (e) specific recommendations for aftercare and follow-up treatment;
 - (f) contact information for follow-up appointments;
 - (g) medication education as needed; and
 - (h) the signature of the staff person who prepared the report and date the summary was completed.
- (3) Discharge summaries must be developed within 30 days of formal discharge from services or within 90 days of the client's last day of service when no formal discharge occurs.
- (4) A copy of the discharge summary must be provided to the client or the client's legal guardian.
- (5) The EDC must have a written policy and procedure to share information about the client served to facilitate coordination and continuity when the client is referred to other providers.
- (6) If during the course of treatment or services the client is transferred to a hospital or inpatient program, the EDC must provide the hospital or inpatient program with the client's current condition.
- (7) The EDC must establish a coordinated transfer of care through a mutually established agreement with a hospital or inpatient program.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE XII EATING DISORDER CENTERS (EDC): CLINICAL RECORDS (1) An EDC's clinical records must contain the following:

- (a) the name, address, date of birth, and gender of the client;

- (b) the name and contact information for the client's family and any legally authorized representative;
- (c) be in the preferred language and include any special communication needs of the client;
- (d) a reason of admission for care, treatment, or services;
- (e) an initial screening assessment;
- (f) a clinical intake assessment;
- (g) medical information including results of physical exam and laboratory testing;
- (h) an initial plan of care and plan of care reviews;
- (i) documentation of individual, family, and group therapy;
- (j) documentation of family involvement or reason why involvement is contraindicated;
- (k) documentation of consultations with a registered dietitian;
- (l) documentation of monitoring the client's weight and food related behaviors as outlined in the plan of care; and
- (m) a discharge summary.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE XIII EATING DISORDER CENTERS (EDC): WRITTEN POLICIES AND PROCEDURES

(1) In addition to requirements in ARM 37.106.330, the EDC policy and procedure manual must include information for:

- (a) eligibility for services;
- (b) client screenings and assessments;
- (c) plan of care;
- (d) client rights and grievances;
- (e) monitoring the client's weight and food related behaviors;
- (f) maintaining clinical records;
- (g) establishing fiscal policies governing the management of organizational funds;
- (h) establishing and maintaining orientation and ongoing staffing requirements;
- (i) informing clients of policies pertaining to the EDC;
- (j) screening, hiring, and assessing staff which include conducting practices that assist the EDC in identifying employees that may pose a risk or threat to the health, safety, or welfare of any resident, and provide written documentation of the findings and the outcome in the employee's file;
- (k) reporting suspected abuse or neglect in accordance with Title 52, chapter 3, part 8, MCA, for adults; and in accordance with Title 41, chapter 3, part 2, MCA, for children.
- (l) reporting requirements to notify the department's Quality Assurance Division, by e-mail or fax within 24 hours, of a client, staff, volunteer, or visitor death where the death occurs on-site or in service related activities; of any fire, accident, or other incident resulting in significant damage to the service site;

- (m) defining staff ethical standards and conduct, including investigating and reporting of unprofessional conduct to the applicable professional licensing authority;
 - (n) discharge;
 - (o) meal support, if applicable;
 - (p) the management, storage, and disposal of any prescription and over-the-counter drugs;
 - (q) client transportation, if provided by the EDC;
 - (r) crisis intervention services; and
 - (s) conducting staff criminal background checks including convictions that disqualify individuals from employment.
- (2) The policy and procedure manual must include a current organizational chart delineating the current lines of authority, responsibility, and accountability for the administration and provision of all client services.

AUTH: 50-5-247, MCA
IMP: 50-5-247, MCA

NEW RULE XIV EATING DISORDER CENTERS (EDC): CLIENT RIGHTS AND GRIEVANCES (1) An EDC must develop and maintain a rights policy that supports and protects the fundamental human, civil, constitutional, and statutory rights of all clients. These rights must include:

- (a) clients are admitted to treatment without regard to race, color, creed, national origin, religion, sex, sexual orientation, age, or disability, except for bona fide program criteria;
 - (b) clients are reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited English proficiency, or cultural differences;
 - (c) clients are treated in a manner sensitive to individual needs and which promote dignity and self-respect;
 - (d) all clinical and personal information is treated in accordance with state and federal confidentiality regulations;
 - (e) clients can review their own treatment records in the presence of the administrator or designee;
 - (f) clients are fully informed of fees charged, including fees for copying records to verify treatment and methods of payment available; and
 - (g) clients are protected from abuse, harassment, and exploitation by staff or from other clients who are on agency premises.
- (2) The EDC must post a copy of client rights in a conspicuous place in the facility accessible to clients and staff.
- (3) These rights must be explained at the time of admission to the client and/or legal representative in terms that the client can understand.
- (4) The EDC must develop a written client grievance policy that includes:
- (a) a procedure for the submission of the client's written or verbal grievance to the EDC;
 - (b) time frames in which the EDC must review a grievance and reach a decision;

(c) a process for providing the client with written notice of the grievance decision that contains:

- (i) the name of the EDC's contact person;
- (ii) the steps taken on behalf of the client to investigate the grievance;
- (iii) the results of the grievance process; and
- (iv) the date of completion.

(d) clients will receive a copy of client grievance procedures describing the submission and disposition of complaints by the client and right to appeal without threat of reprisal; and

(e) client consent must be obtained for each release of information to any other person or entity.

(5) The grievance policy must be explained at the time of admission to the client in terms that the client and/or legal representative can understand.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE XV EATING DISORDER CENTERS (EDC): QUALITY ASSESSMENT (1) An EDC shall implement and maintain an active quality assessment program using information collected to make improvements in the EDC's policies, procedures, and services. The program must include procedures for:

(a) conducting client satisfaction surveys, at least annually, for all eating disorder services.

(2) The client satisfaction survey must address:

(a) whether the client, parent, or legal guardian is adequately involved in the development and review of the client's plan of care;

(b) whether the client, parent, or legal guardian was informed of client rights and the EDC's grievance procedure;

(c) the client's, parent's, or legal guardian's satisfaction with the EDC services in which the client participated;

(d) the client's, parent's, or legal guardian's recommendations for improving the EDC's services; and

(e) reviewing, on an ongoing basis, incident reports, grievances, complaints, medication errors with special attention given to identifying patterns and making necessary changes in how services are provided.

(3) The EDC shall prepare and maintain on file an annual report of improvements made as a result of the quality assessment program.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE XVI EATING DISORDER CENTERS (EDC): CRISIS TELEPHONE SERVICES (1) An EDC must provide crisis telephone services and comply with the following requirements:

(a) ensure that crisis telephone services are available 24 hours a day, seven days a week;

(b) an answering service or receptionists may be used to transfer calls to individuals who have been trained to respond to crisis calls;

(c) employ or contract with appropriately trained individuals, under the supervision of the medical director or clinical director, to respond to crisis calls; and

(d) ensure that a licensed mental health professional provides consultation and backup, as indicated, for unlicensed individuals responding to crisis calls.

(2) An appropriately trained individual listed in (1)(c) is one who has received training and instruction regarding:

(a) the policies and procedures of the EDC for crisis intervention services;

(b) crisis intervention techniques;

(c) conducting assessments of risk of harm to self or others, and prevention approaches;

(d) the process for voluntary and involuntary hospitalization; and

(e) the appropriate utilization of community resources.

(3) The EDC must maintain documentation for each crisis call. The documentation must include:

(a) the date and time of the call;

(b) crisis responder;

(c) identifying data, if possible;

(d) the nature of the emergency;

(e) risk assessment; and

(f) the result of the intervention.

(4) No individual may respond to crisis calls until the EDC documents in the individual's personnel file that the individual has received the training and instruction required in (2).

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE XVII EATING DISORDER CENTERS (EDC): INTENSIVE OUTPATIENT PROGRAM (1) In addition to the requirements established in this subchapter, an EDC providing intensive outpatient programs must comply with the requirements established in this rule.

(2) Intensive outpatient programs must be available three days per week for at least three hours per day.

(3) Intensive outpatient programs must include:

(a) individual and family therapy as required by the plan of care;

(b) group therapy; and

(c) meal support during at least one meal provided by the program.

(4) Group therapy sessions must include at least two staff members, one of which must be a mental health professional, registered nurse, or registered dietitian.

(5) Intensive outpatient programs must have:

(a) a licensed mental health professional on-site during hours of operation; and

(b) additional support staff as needed in accordance with the EDC policy.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

NEW RULE XVIII EATING DISORDER CENTERS (EDC): PARTIAL HOSPITALIZATION PROGRAM (1) In addition to the requirements established in this subchapter, an EDC providing partial hospitalization programs must comply with the requirements established in this rule.

(2) Partial hospitalization services may include day, evening, night, and weekend treatment programs that must employ an integrated, comprehensive, and complementary schedule of recognized treatment or therapeutic activities.

(3) Partial hospitalization programs must operate five days per week for at least five hours per day.

(4) Partial hospitalization programs must include:

- (a) individual and family therapy as required by the plan of care;
 - (b) group therapy;
 - (c) meal support during at least one meal provided by the program;
 - (d) weekly medical consultations with a psychiatrist, advanced practice registered nurse, or registered nurse; and
 - (e) laboratory testing in accordance with the EDC's policy.
- (5) Group therapy sessions must include at least two staff members, one of which must be a mental health professional, registered nurse, or registered dietitian.

(6) Partial hospitalization program staff must include:

- (a) a licensed mental health professional on-site during hours of operation;
- (b) a registered nurse available for consultation and treatment planning during hours of operation;
- (c) a licensed psychiatrist or advanced practice registered nurse available for consultation and treatment planning during hours of operation;
- (d) a registered dietitian available for consultation and treatment planning during hours of operation; and
- (e) additional support staff as needed in accordance with the EDC policy.

AUTH: 50-5-247, MCA

IMP: 50-5-247, MCA

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

37.106.322 MINIMUM STANDARDS FOR ALL HEALTH CARE FACILITIES: DISASTER PLAN (1) and (2) remain the same.

(3) Adult day care facilities, adult foster care homes, assisted living facilities, chemical dependency treatment centers, eating disorder centers, end-stage renal dialysis facilities, intermediate care facilities for the developmentally disabled, mental health centers, outdoor behavioral facilities, residential treatment facilities, retirement homes, and specialty mental health facilities must develop a written disaster plan for their facility, and conduct a documented review of the disaster plan with all facility staff annually. This documentation must be maintained at the facility for a minimum of three years. The disaster plan must include:

(a) through (4) remain the same.

AUTH: 50-5-103, MCA
IMP: 50-5-103, 50-5-204, MCA

5. STATEMENT OF REASONABLE NECESSITY

The 2017 Montana Legislature enacted House Bill (HB) 572, an act establishing licensure of eating disorder centers (centers) and providing rulemaking authority to the Department of Public Health and Human Services (department).

The department proposes to adopt New Rules I through XVIII establishing new minimum standards for eating disorder centers. As part of the establishment of the new standards, the department proposes to amend ARM 37.106.322 to add eating disorder centers to the department's minimum standards for all health care facilities, disaster plan requirements.

The proposed new rules have been established in accordance with HB 572 and have been written to incorporate best practice standards for eating disorder centers as established by The Joint Commission.

NEW RULE I

The department proposes to adopt this new rule to inform centers of all applicable rules that apply to licensure of eating disorder centers.

NEW RULE II

It is necessary to adopt this new rule to define terminology used throughout the rule that is not defined in statute or minimum requirements for all health care facilities administrative rules.

NEW RULE III

The department proposes to adopt this new rule to specify when a license is issued to an applicant and duration of a license.

NEW RULE IV

The department proposes to adopt this new rule to specify application and licensing survey procedures for eating disorder centers. This rule is necessary to put applicants and licensed providers on notice that a license will not be renewed or issued without an approved plan of correction.

NEW RULE V

The department proposes to adopt this new rule to establish minimum treatment services that are required for all eating disorder centers.

NEW RULE VI

The department proposes to adopt this new rule to specify that centers must write policies for determining eligibility for individuals to receive services. This rule is necessary to ensure facilities are admitting only those individuals they are qualified to serve.

NEW RULE VII

The department proposes to adopt this new rule to address the need to evaluate the client's emotional state at the time of first contact. Individuals suffering from an eating disorder may be suffering serious emotional trauma. It is necessary to require programs to complete an immediate assessment of clients to determine if they are at imminent risk to harm themselves or others and implement a process to respond when an imminent risk is identified. Once a risk is identified, the center must assist the client in receiving the appropriate care to reduce the risk of harm.

This rule is necessary to implement clinical intake assessment and medical screening requirements to provide guidelines to gather essential information from the client to be used to form a diagnostic impression and guide the delivery of the care, treatment, or services to the client. It is necessary to include an assessment of the client's food related behaviors to address specific eating disorder behaviors.

NEW RULE VIII

The department proposes to adopt this new rule to establish plan of care requirements by a multidisciplinary care, treatment, and services team that supports the continuity and provisions of care.

A plan of care is a document that details a client's current problems which is based on the findings of the required assessments. The plan of care outlines the goals and strategies that will assist the client in overcoming problems. It is necessary to implement plan of care requirements to ensure the treatment is individualized and based on the results of the assessment and conducted/overseen by qualified individuals.

It is necessary to require updates of the plan of care to ensure lack of progress is documented and addressed with a plan of care update.

NEW RULE IX

The department proposes to adopt this new rule to require eating disorder centers to assemble a governing body to oversee the operations of the center and appoint and oversee a qualified administrator. This rule is necessary to ensure centers have the appropriate oversight to provide the necessary care and treatment to clients.

NEW RULE X

The department proposes to adopt this new rule to ensure each eating disorder center has employed or contracted with appropriate qualified staff to provide safe, quality care, treatment, and service to clients. This rule is necessary to establish staff qualification and screening requirements needed to safely treat clients with eating disorders.

It is necessary to implement staff training requirements to ensure staff receive the education and training needed to provide quality care, treatment, and services. This rule is necessary to implement House Bill 572 staffing requirements.

NEW RULE XI

The department proposes to adopt this new rule to specify discharge and transfer requirements to ensure clients and prospective treatment programs or facilities receive the necessary information required to continue care in a timely manner.

NEW RULE XII

The department proposes to adopt this new rule to specify information required in the client's clinical record to document services provided. Accurate records are essential for the continuity of care to clients. Adequate documentation allows all service providers and staff to be informed of essential information needed to provide quality services to clients.

NEW RULE XIII

The department proposes to adopt this rule to specify the requirements for eating disorder centers regarding written policy and procedures. An effective policy and procedure manual is essential for programs to maintain consistency in delivery of service. It is a tool to ensure new and existing employees understand the centers' expectations and requirements and provide guidance to all staff in the centers' specific methods and standards for how services are provided and work is performed.

NEW RULE XIV

The department proposes to adopt this new rule as it is necessary to ensure eating disorder center staff are aware of the rights given to clients. The rule provides direction to staff and clients for addressing such rights.

NEW RULE XV

The department proposes to adopt this new rule to ensure eating disorder centers conduct an internal audit regarding the quality of treatment, care, and services provided to clients. The internal audit is necessary to provide management

recommendations for continuous improvement in conforming to standards, efficiency in service delivery, and client satisfaction.

NEW RULE XVI

The department proposes it is necessary to adopt this new rule to provide individuals during an emotional crisis access to a trained professional to assist them in finding resources to help them through a difficult time. An individual in crisis requires immediate assistance; therefore it is necessary to require the crisis line be available at all times.

NEW RULE XVII

The department proposes to adopt this new rule to outline requirements for centers that offer intensive outpatient programs. Intensive outpatient programs are designed to provide an additional step down from the intensity of inpatient or partial hospitalization programs while still offering more structure and support than standard outpatient therapy.

NEW RULE XVIII

The department proposes to adopt this new rule to outline requirements for centers that offer Partial Hospitalization. The therapeutic intensity of partial hospitalization programs requires a high level of structure and therapeutic interventions by a multidisciplinary team of professionals. It is necessary for the program to operate several hours per day/several days a week to deliver the high intensity treatment required at this level of care.

FISCAL IMPACT

There will be no significant financial impact to the department or providers.

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: Todd Olson, 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, and must be received no later than 5:00 p.m., October 19, 2018.

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 was notified by electronic mail correspondence on August 3, 2018.

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

/s/ Flint Murfitt
Flint Murfitt
Rule Reviewer

/s/ Laura Smith
Laura Smith for Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State September 11, 2018.

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 37.82.701 pertaining to breast) PROPOSED AMENDMENT
and cervical cancer treatment)
program)

TO: All Concerned Persons

1. On October 11, 2018, at 9:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, at Helena, Montana, to consider the proposed amendment of the above-stated rule.

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 October 2, 2018, to advise us of the nature of the accommodation that you need. Please contact Gwen Knight, 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.

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

37.82.701 GROUPS COVERED, NONINSTITUTIONALIZED FAMILIES AND CHILDREN (1) Medicaid will be provided to:

(a) ~~individuals~~ Individuals under age 19 who currently reside in Montana and are receiving foster care, guardianship, or adoption assistance under Title IV-E of the Social Security Act, whether or not such assistance originated in Montana. Eligibility requirements for Title IV-E foster care and adoption assistance are found in ARM 37.50.101, 37.50.105, 37.50.106, and 45 CFR part 233.

(b) ~~individuals~~ Individuals who have been receiving assistance in the nonmedically needy family Medicaid program and whose assistance is terminated because of earned income. These individuals may continue to receive Medicaid for any or all of the ~~42~~ 6 calendar months immediately following the month in which nonmedically needy family Medicaid is last received, providing:

(i) in cases where assistance was terminated due to earned income, a member of the assistance unit continues to be employed during the ~~42~~ 6 months; however, eligibility may continue even though no member of the assistance unit is employed if there was a good cause as defined in the family-related Medicaid Manual, section ~~4509-4~~ 1508-1, as incorporated by reference in ARM 37.82.101, for the termination or loss of employment;

(ii) they received nonmedically needy family Medicaid for three of the six months immediately prior to the month they became ineligible for nonmedically needy family Medicaid coverage; and

(iii) there continues to be an eligible child in the assistance unit. This coverage group is known as the "family-transitional";

(c) ~~individuals~~ Individuals under age 19 who live with a specified caretaker relative as defined in the family-related Medicaid manual, section ~~305-4~~ 201-1, as incorporated by reference in ARM 37.82.101, and who meet all other eligibility requirements;

(d) a A pregnant woman whose pregnancy has been verified and whose family income and resources meet the requirements listed in ARM 37.82.1106, 37.82.1107, and 37.82.1110. This coverage group is known as the "qualified pregnant woman group";

(~~h~~) The unborn child shall be considered an additional member of the filing unit for purposes of determining eligibility.

(e) a A pregnant woman whose pregnancy has been verified, whose family income does not exceed ~~150%~~ 157% of the federal poverty guidelines, ~~and whose countable resources do not exceed \$3,000.~~ This coverage group is known as the "pregnancy group";

(i) The unborn child shall be considered an additional member of the filing unit for purposes of determining eligibility.

(ii) ~~newborn~~ Newborn children are continuously eligible through the month of their first birthday, provided they continue to reside in Montana. This coverage group is known as the "child-newborn group";

(f) a A pregnant woman during a period of presumptive eligibility;

(i) Presumptive eligibility is established by submission of an application by the applicant on the form specified by the department, to a qualified presumptive eligibility provider, verification of pregnancy and a determination by the qualified presumptive eligibility provider that applicant's household income and resources do not exceed the income and resource standards specified in (1)(e).

(A) A qualified presumptive eligibility provider is an entity which meets the requirements specified in section 3570 of the state Medicaid Manual, published by the Centers for Medicare and Medicaid Services (CMS) of the U.S. Department of Health and Human Services and who is enrolled with the department as a qualified presumptive eligibility provider under the presumptive eligibility program. Section 3570 of the state Medicaid Manual is ~~hereby~~ adopted and incorporated ~~herein~~ by this reference. A copy of the manual section may be obtained from the Department of Public Health and Human Services, Human and Community Services Division, 111 N. Jackson St., P.O. Box 202925, Helena, MT 59620-2925.

(B) Presumptive eligibility determinations shall be effective through the earlier of the date the department makes a determination of eligibility or ineligibility based upon a Medicaid application, or the last day of the month following the month of the presumptive eligibility determination, if no Medicaid application is filed within such period. An individual is limited to one presumptive eligibility period per pregnancy.

(C) The applicant or recipient shall be entitled to a fair hearing with respect to a determination by the department based upon a Medicaid application.

(ii) During a period of presumptive eligibility, a pregnant woman is limited to ambulatory prenatal care services covered under the Montana Medicaid program. Such services may be provided by any Medicaid provider eligible to receive Medicaid reimbursement for such services under applicable law and regulations.

(g) a A pregnant woman who becomes ineligible for Medicaid due solely to increased income and whose countable resources do not exceed \$3,000 and whose pregnancy is disclosed to the department and verified prior to the effective date of Medicaid closure. This coverage group is known as the "continuous pregnant woman group";

(+) Eligibility shall be continuous without lapse in Medicaid eligibility from the prior Medicaid eligibility and shall terminate on the last day of the month in which the 60th postpartum day occurs.

(h) a A child who has not yet reached age 19, whose family income does not exceed ~~133%~~ 143% of the federal poverty guidelines. This coverage group is known as the "Healthy Montana Kids (HMK) Plus" group. ~~There is no resource test for this coverage group.~~ Children determined eligible under the Healthy Montana Kids Plus program will receive up to 12 months of continuous coverage;

(i) ~~individuals~~ Individuals under the age of 21 who are receiving foster care or subsidized adoption payments through child welfare services;

(+) These individuals must have full or partial financial responsibility assumed by public agencies and must have been placed in foster homes, private institutions, or private homes by a nonprofit agency.

(j) a A child of a minor custodial parent when the custodial parent is living in the child's grandparent's home and the grandparent's income is the sole reason rendering the child ineligible for nonmedically needy family Medicaid;

(k) ~~needy~~ Needy caretaker relatives as defined in the family-related Medicaid Manual, section ~~305-4~~ 201-1, as incorporated by reference in ARM 37.82.101, who have in their care an individual under age 19 who is eligible for Medicaid, and whose countable income does not exceed the state's family Medicaid standards as defined in the family-related Medicaid Manual, section 002;

(l) a A child through the month of the child's 19th birthday, who lives in a household whose income and resources do not exceed the medically needy income and resource standards specified in ARM 37.82.1106, 37.82.1107, and 37.82.1110, provided that the child does not live with a parent or specified caretaker relative as defined in the family-related Medicaid Manual, section ~~305-4~~ 201-1. This coverage group is known as the "child-medically needy group";

(m) ~~women~~ Individuals, under the age of 65 who have been screened through the Montana Breast and Cervical Health Program who:

(i) have been diagnosed with cancer or precancer of the breast or cervix;

(ii) do not have creditable coverage to pay for their cancer/precancer treatment;

(iii) have countable income that does not exceed ~~200%~~ 250% of the federal poverty level at the time of screening and enrollment into the Montana Breast and Cervical Health Program; and

(iv) are not eligible for any other nonmedically needy Medicaid coverage group. This coverage group is known as "breast and cervical cancer treatment";
and

(n) ~~families~~ Families who, due to receipt of new or increased ~~child or~~ spousal support, lose eligibility for nonmedically needy family Medicaid. To be eligible the family must:

(i) receive new or increased ~~child or~~ spousal support in an amount great enough to cause their nonmedically needy family Medicaid eligibility to end; and

(ii) have received nonmedically needy family Medicaid in Montana for three of six months prior to the closure of nonmedically needy family Medicaid. The coverage will continue for four consecutive months. This program is known as the "family-extended group."

(o) ~~women~~ Women ages 19 through 44, who have not been otherwise determined eligible for Medicaid under this title, who are able to become pregnant but are not now pregnant, whose household income does not exceed 211% of the federal poverty level. Services are limited to those family planning services defined at ARM 37.86.1701 and not covered by third party health coverage. This program is limited to 4,000 women at any given time and is known as Plan First. Plan First will not pay any copay or deductible required by member's third party health coverage.

(2) and (3) remain the same.

AUTH: 53-4-212, 53-4-1105, 53-6-113, MCA

IMP: 53-4-231, 53-4-1104, 53-4-1105, 53-6-101, 53-6-131, 53-6-134, MCA

4. STATEMENT OF REASONABLE NECESSITY

Medicaid is a joint federal and state program that is subject to federal and state statutes, regulations, and rules. Funds for the program are appropriated by Congress and the Montana Legislature. The Montana Medicaid Program is administered by the Department of Public Health and Human Services (department) to pay health care costs for Montana's eligibly low income and disabled residents. Medicaid eligibility requirements may vary based on the group covered or the benefits received.

The Legislature delegates authority to the department in 53-4-212, 53-4-1105, and 53-6-113, MCA, to adopt rules that are consistent with statute and establish income and resource eligibility standards for covered groups. Medicaid covered groups are described in ARM 37.82.701. The department is proposing amendments to ARM 37.82.701. These amendments are necessary to clearly and accurately state, in rule, the income and resource standards enacted by the Legislature and currently implemented by the department.

ARM 37.82.701

The department is proposing to make the following changes to ARM 37.82.701 for the reasons stated:

- Throughout the rule, enumeration corrections are being proposed for internal consistency. The department is also revising some current text to improve clarity.

- The department decreased the period of continued eligibility from 12 months to 6 months several years ago. The proposed amendment would make the rule consistent with current practice. This change applies to individuals whose earned income rises above the eligibility ceiling. When the Affordable Care Act was implemented by the Centers for Medicare and Medicaid Services (CMS), the department eliminated the continued eligibility period. The department was advised by CMS that a continued eligibility period had to be offered. The department reinstated a 6-month period, instead of a 12-month period because it was cost effective and complied with federal regulations.
- Cross references to policy manual pages are corrected when necessary because the policy manual has been revised.
- The maximum family income percentage for pregnant women and HMK Plus is increased. The income maximums are stated as the percentage of the federal poverty guidelines that family income can be to qualify for a coverage group. The rule amendments do not expand the size of the coverage group. These changes are a result of changes required by 42 USC 1396a. In 2014 the federal Department of Health and Human Services changed the methodology it accepted for calculating countable income to an income tax concept – modified adjusted gross income or MAGI – and eliminated income disregards. This change resulted in higher maximum income stated as a percentage of federal poverty guidelines. The department followed the federal methodology effective January 1, 2016, and these rule changes are necessary to conform the department's rules to current practice.
- References to resource limits are removed from family Medicaid coverage groups that no longer have resource limits. Resource limits remain in place for Aged Blind and Disabled (ABD) and medically needy Medicaid, but were eliminated for family Medicaid coverage groups. This change is a federal change that occurred in 2014 and these rule changes are necessary to conform the department's rules to current practice.
- Wording related to breast and cervical cancer coverage groups is changed to clarify that men and women are eligible for breast cancer coverage. The reference to child support is also removed because a person applying for the breast and cervical coverage group does not include child support in the calculation of MAGI which, by federal regulation, became the standard for measuring family income. This change occurred in 2014 and these rule changes are necessary to conform the department's rules to current practice.

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: Gwen Knight, 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, and must be received no later than 5:00 p.m., October 19, 2018.

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/ Geralyn Driscoll
Geraldyn Driscoll
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State September 11, 2018.

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 37.40.307 pertaining to nursing) PROPOSED AMENDMENT
facilities reimbursement)

TO: All Concerned Persons

1. On October 12, 2018, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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 October 5, 2018, to advise us of the nature of the accommodation that you need. Please contact Gwen Knight, 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.

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

37.40.307 NURSING FACILITY REIMBURSEMENT (1) remains the same.

(2) Effective July 1, 2001, and in subsequent rate years, nursing facilities will be reimbursed using a price-based reimbursement methodology. The rate for each facility will be determined using the operating component defined in (2)(a) and the direct resident care component defined in (2)(b):

(a) through (c) remain the same.

(d) The total payment rate available for the period July 1, 2018, through June 30, 2019, will be the rate as computed in (2) increased by 3.08%, plus any additional amount computed in ARM 37.40.311 and 37.40.361.

(3) through (12) remain the same.

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

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

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human services (department) is proposing a provider rate increase effective July 1, 2018. The rate increase reverses across-the-board provider rate reductions implemented in State Fiscal Year (SFY)

2018. The department proposes to raise Medicaid nursing facility rates, effective July 1, 2018, by 3.08%. If adopted as proposed, the existing nursing facility reimbursement rates, as recently adopted in MAR Notice No. 37-845, will increase by 3.08%.

Fiscal Impact

The estimated total funding available by SFY 2019 for nursing facility reimbursement is estimated at approximately \$202,870,630 of combined state funds, federal funds, and patient contributions. These numbers do not include at-risk provider funds or direct care wage funding.

This proposed rule amendment increases estimated expenditures in the nursing home program by \$2,086,595 in state funds and \$3,977,326 in federal funds in SFY 2019.

Anticipated days for SFY 2019 are 1,002,018, using estimates from SFY 2018 Medicaid paid days.

Seventy nursing facility providers participated in the Medicaid nursing facility payment program and approximately 4,200 recipients received services in nursing facilities under Medicaid. If this notice is adopted as proposed, the rate adjustment would raise the statewide daily average to \$202.46 per day.

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: Gwen Knight, 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, and must be received no later than 5:00 p.m., October 19, 2018.

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/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Laura Smith
Laura Smith for Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State September 11, 2018.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the repeal of ARM)	NOTICE OF REPEAL
8.2.501, 8.2.502, and 8.2.503)	
pertaining to the Quality Schools)	
Grant Program)	

TO: All Concerned Persons

1. On August 10, 2018, the Department of Commerce published MAR Notice No. 8-2-158 pertaining to the proposed repeal of the above-stated rules at page 1456 of the 2018 Montana Administrative Register, Issue Number 15.

2. No comments or testimony were received

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

/s/ MARTY TUTTLE
MARTY TUTTLE
Rule Reviewer

/s/ PAM HAXBY-COTE
PAM HAXBY-COTE
Director
Department of Commerce

Certified to the Secretary of State September 11, 2018.

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 37.104.106 and 37.104.212)
pertaining to updates to emergency)
medical service records and reports)

TO: All Concerned Persons

1. On July 6, 2018, the Department of Public Health and Human Services (department) published MAR Notice No. 37-822 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1239 of the 2018 Montana Administrative Register, Issue Number 13. The department then published its amended notice of public hearing on the proposed amendment of the above-stated rules at page 1386 of the 2018 Montana Administrative Register, Issue Number 14. The amended notice was published to comply with additional rulemaking notification requirements provided in 50-6-323, MCA.

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

3. No comments or testimony were received.

/s/ Shannon L. McDonald
Shannon L. McDonald
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State September 11, 2018.

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 37.71.102, 37.71.301,)
37.71.401, 37.71.601, and 37.71.602,)
pertaining to low income)
weatherization assistance program)
(LIWAP))

TO: All Concerned Persons

1. On August 10, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-846 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1527 of the 2018 Montana Administrative Register, Issue Number 15.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.
4. The department intends to apply the amendments to ARM 37.71.601(10) and 37.71.602 retroactively to July 1, 2018. A retroactive application of these amendments does not result in a negative impact to any affected party. The amendments in ARM 37.71.102, 37.71.301, 37.71.401, and 37.71.601(5), (5)(a), and (6) will be effective the day after publication of this notice.

/s/ Jennifer C. Kaleczyc
Jennifer C. Kaleczyc
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State September 11, 2018.

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 37.70.305, 37.70.311,)
37.70.401, 37.70.402, 37.70.406,)
37.70.407, 37.70.408, 37.70.601, and)
37.70.607 pertaining to Low Income)
Energy Assistance Program (LIEAP))

TO: All Concerned Persons

1. On August 10, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-848 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1534 of the 2018 Montana Administrative Register, Issue Number 15.

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

3. No comments or testimony were received.

4. The department intends to apply the amendments to ARM 37.70.311, 37.70.401(1) and (1)(a), and 37.70.407 retroactively to October 1, 2017. A retroactive application of the rule amendments does not result in a negative impact to any affected party.

The department intends to apply the amendments to ARM 37.70.305, 37.70.401(25), 37.70.402(7), 37.70.406(1), 37.70.406(2), 37.70.408, 37.70.601, and 37.70.607 retroactively to July 1, 2018. The retroactive application of these rules does not result in a negative impact to any affected party.

/s/ Jennifer C. Kaleczyc
Jennifer C. Kaleczyc
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State September 11, 2018.

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 37.95.102, 37.95.103,)
37.95.106, 37.95.161, and 37.95.162,)
pertaining to the federal Child Care)
and Development Block Grant)
Reauthorization Act requirements for)
child care facilities)

TO: All Concerned Persons

1. On August 10, 2018, the Department of Public Health and Human Services published MAR Notice No. 37-858 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1544 of the 2018 Montana Administrative Register, Issue Number 15.

2. The department has amended the following rules as proposed: ARM 37.95.103, 37.95.161, and 37.95.162.

3. The department has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

37.95.102 DEFINITIONS (1) through (60) remain as proposed.

AUTH: 52-2-704, 53-4-212, ~~53-4-503~~, MCA

IMP: 52-2-702, 52-2-703, 52-2-704, 52-2-713, 52-2-723, 52-2-725, 52-2-731, 52-2-735, 52-2-736, 53-2-201, 53-4-211, 53-4-212, 53-4-601, 53-4-611, 53-4-612, MCA

37.95.106 CHILD CARE FACILITIES, REGISTRATION, OR LICENSING
(1) through (8) remain as proposed.

AUTH: 52-2-704, ~~53-4-503~~, MCA

IMP: 52-2-704, 52-2-722, 52-2-723, 52-2-731, 53-4-504, 53-4-507, MCA

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: One commenter requested clarification for ARM 37.95.162 as to how the three-year timeframe for the health and safety review course will be calculated and if the course will be standardized.

RESPONSE #1: The department appreciates the comment. The health and safety review course will be a standardized course that will need to be taken within three years from the completion of the health and safety orientation and every three years thereafter. Policies and database systems will be updated to support the implementation of this rule.

COMMENT #2: Two commenters have requested clarification for ARM 37.95.161 on whether the department will require that Federal Bureau of Investigation (FBI) fingerprint results be received prior to a staff member working in a child care facility. Both commenters suggested that a grace period be allowed for staff to work in the facility until results are received. One of these commenters expressed concerns that requiring FBI checks to be complete prior to working in the facility will result in violations when there is staff turnover. The commenter suggested that since turnover rates are high in child care facilities, the facilities will sometimes be forced to choose between violating the background check rule or violating the ratio requirements.

RESPONSE #2: The department appreciates the comments. This rule is a federal requirement and the department is required to enforce it as of the effective date of these rules. The department has requested a one-year waiver from the federal Office of Child Care, to allow for staff to work in a child care facility provisionally prior to receiving FBI results. If the waiver is granted, new staff will be allowed to work under direct supervision of an approved staff member, after submitting fingerprints to the Montana Department of Justice and pending the FBI results. The waiver, if granted, will only be in effect through September 2019.

COMMENT #3: One commenter relayed support for the FBI background checks and for ongoing health and safety training provided every three years versus a certain number of hours each year.

RESPONSE #3: The department appreciates the comments and support.

COMMENT #4: One commenter notified the department that an authorizing statute referenced in the department's citations of authority for its rulemaking, 53-4-503, MCA, had been renumbered to 52-2-704, MCA.

RESPONSE #4: The department thanks the commenter for the comment and has corrected the statutory authority citation deficiencies for ARM 37.95.102 and 37.95.106 in accordance with 2-4-305, MCA.

/s/ Flint Murfitt
Flint Murfitt
Rule Reviewer

/s/ Laura Smith
Laura Smith for Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State September 11, 2018.

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 June 30, 2018. This table includes notices in which those rules adopted during the period March 30, 2018, through September 7, 2018, 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, 2018, 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 2018 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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- 2-13-577 9-1-1 Grants, p. 1322, 1816
- 2-59-570 Regulation of Privately Insured Credit Unions, p. 124, 628
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- 2-43-576 Commencement of Guaranteed Annual Benefit Adjustment, p. 1209, 1719

(State Lottery Commission)

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(Board of County Printing)

2-67-569 Rates for County Legal Advertising, p. 230, 610, 1100

(Office of the State Public Defender)

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4-18-247 Feed and Pet Food Regulations, p. 138, 631
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(Commissioner of Securities and Insurance)

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6-241 and other rules - Valuation of Life Insurance Policies, p. 13, 826
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(Classification Review Committee)

6-246 Establishment, Deletion, or Revision of Classifications for Various Industries for Supplementing the NCCI Basic Manual for Workers' Compensation and Employers Liability, p. 1762

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(Board of Public Education)

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10-57-283 Teacher Licensure, p. 1004, 1582

10-64-282 School Bus Requirements, p. 611, 1024

(Office of Public Instruction)

- 10-1-129 Soliciting Applications for Membership on a Negotiated Rulemaking Committee to Amend ARM 10.55.701 to Require a Policy for Implementation of All Hazard Emergency and Response Plans, p. 771
- 10-1-130 Soliciting Applications for Membership on a Negotiated Rulemaking Committee to Amend ARM 10.56.101 Pertaining to the Policies and Procedures for Standardized Test Administration Using the Required Statewide Assessments, p. 998, 1085

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- 12-479 Wildlife Habitat Noxious Weed Grant Program, p. 17, 632
- 12-482 Classes of License Agents and Acceptable License Agent Security, p. 520, 970
- 12-483 Closing the Smith River From Camp Baker to Eden Bridge, p. 718
- 12-486 Closing Sha-Ron Fishing Access Site, Kelly Island Fishing Access Site, Kona Bridge Fishing Access Site, Harper's Bridge Fishing Access Site, Deep Creek Fishing Access Site, and Council Grove State Park in Missoula County, p. 1027
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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 August 2018 appear. Potential vacancies from October 1, 2018 through December 31, 2018, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of September 1, 2018.

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 AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of County Printing			
Mr. David McCumber	Governor	Strauss	8/24/2018
Butte			4/1/2019
Qualifications (if required): Member of the printing industry			
Board of Crime Control			
Mrs. Katie Patricia Wirtz	Governor	Hansen	8/24/2018
Ronan			1/1/2021
Qualifications (if required): Community Corrections			
Board of Horse Racing			
Ms. Jody Smith	Governor	Fisher	8/24/2018
Miles City			1/1/2021
Qualifications (if required): District 1			
Board of Massage Therapy			
Ms. Sonia Davis	Governor	Ragsdale	8/3/2018
Billings			5/1/2022
Qualifications (if required): Massage Therapist			
Mrs. Anne Gergen	Governor	Reappointed	8/3/2018
Broadus			5/1/2022
Qualifications (if required): Massage Therapist			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Occupational Therapy Practice			
Mrs. Deborah Swingley Helena	Governor	Kallay	8/3/2018 12/31/2018
Qualifications (if required): Member of the general public with an interest in the rights of consumers			
Ms. Brenda Toner Missoula	Governor	Reappointed	8/3/2018 12/31/2020
Qualifications (if required): Occupational Therapist			
Ms. Lora Wier Choteau	Governor	Reappointed	8/3/2018 12/31/2020
Qualifications (if required): Member of the general public			
Board of Physical Therapy Examiners			
Mr. Pat M. Goodover II Great Falls	Governor	Reappointed	8/3/2018 7/1/2021
Qualifications (if required): Member of the general public			
Mrs. Bridget Mennie Laurel	Governor	Christian	8/3/2018 7/1/2021
Qualifications (if required): Licensed Physical Therapist			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Physical Therapy Examiners Cont.			
Ms. Kelsey Wadsworth	Governor	Reappointed	8/3/2018
Bozeman			7/1/2021
Qualifications (if required): Licensed Physical Therapist			
Board of Plumbers			
Mr. Jeffrey Gruizenga	Governor	Reappointed	8/3/2018
Billings			5/1/2020
Qualifications (if required): Registered professional engineer qualified in mechanical engineering			
Mr. Dan F. Miles	Governor	Paulson	8/3/2018
Butte			5/1/2021
Qualifications (if required): Representative of the public			
Mr. Quinton Queer	Governor	Regan	8/3/2018
Butte			5/1/2022
Qualifications (if required): Master plumber			
Mr. Timothy Schrapps, Sr.	Governor	Smith	8/3/2018
Butte			5/1/2022
Qualifications (if required): Journeyman plumber			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Private Alternative Adolescent Residential or Outdoor Programs			
Ms. Pamela Carbonari	Governor	Reappointed	8/3/2018
Kalispell			7/1/2020
Qualifications (if required): General Public			
Ms. Penny James	Governor	Reappointed	8/3/2018
Trout Creek			7/1/2020
Qualifications (if required): Adolescent Treatment Program Residential			
Mr. Ricky A. Johnson	Governor	Reappointed	8/3/2018
Kalispell			7/1/2020
Qualifications (if required): Adolescent Treatment Program Residential			
Dr. John Santa	Governor	Reappointed	8/3/2018
Marion			7/1/2020
Qualifications (if required): Adolescent Treatment Program Residential			
Senator Trudi Schmidt	Governor	Reappointed	8/3/2018
Great Falls			7/1/2020
Qualifications (if required): General public			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Private Security			
Sheriff Wynn Meehan	Governor	Reappointed	8/3/2018
Townsend			8/1/2021
Qualifications (if required): County Sheriff's Office			
Sergeant Harold Eugene Richardson	Governor	Reappointed	8/3/2018
Bozeman			8/1/2021
Qualifications (if required): City Police Department			
Board of Psychologists			
Dr. Sara Boilen	Governor	Reappointed	8/24/2018
Whitefish			9/1/2023
Qualifications (if required): Licensed psychologist in private practice			
Board of Real Estate Appraisers			
Mr. Timothy Peter McGinnis	Governor	Reappointed	8/24/2018
Polson			5/1/2021
Qualifications (if required): Licensed or certified real estate appraiser			
Mr. Ed Schoenen Jr.	Governor	Reappointed	8/24/2018
Great Falls			5/1/2021
Qualifications (if required): Representative of the public not engaged in real estate appraisal			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Respiratory Care Practitioners			
Mr. Justin Lyle O'Brien	Governor	Clemons	8/24/2018
Libby			1/1/2019
Qualifications (if required): Member of the public who is not a member of a health care profession			
Board of Veterans' Affairs			
Ms. Tova Reddick	Governor	Campbell	8/1/2018
Fort Harrison			8/1/2022
Qualifications (if required): U.S. Veterans Affairs Representative			
Building Codes Council			
Mr. Ron Bartsch	Governor	Reappointed	8/3/2018
Montana City			10/1/2020
Qualifications (if required): Representative of the home building industry			
Mr. John Edwin Carmody	Governor	Reappointed	8/3/2018
Butte			10/1/2020
Qualifications (if required): Practicing professional engineer licensed in Montana			
Mr. Jason Fitzgerald	Governor	Reappointed	8/3/2018
Billings			10/1/2020
Qualifications (if required): Practicing architect licensed in Montana			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Building Codes Council Cont.			
Mr. John Michael Gordon Butte	Governor	Hutchison	8/3/2018 10/1/2020
Qualifications (if required): Licensed electrician			
Mr. Matthew Lemert Livingston	Governor	Reappointed	8/3/2018 10/1/2020
Qualifications (if required): Licensed plumber selected by the Board of Plumbers			
Mr. Robert Risk Bozeman	Governor	Reappointed	8/3/2018 10/1/2020
Qualifications (if required): County, city or town building inspector			
Mr. Dick Swingley Helena	Governor	Lorenz	8/3/2018 10/1/2020
Qualifications (if required): State Fire Marshall or designee			
Family Support Services Advisory Council			
Ms. Rebecca Bogden-Richards Great Falls	Governor	Reappointed	8/3/2018 4/1/2020
Qualifications (if required): Public Awareness and Education Organization Representative			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Future Fisheries Review Panel			
Mr. James Stone	Governor	Reappointed	8/24/2018
Ovando			7/1/2020
Qualifications (if required): Expertise in irrigated agriculture			
Ms. Nancy Sue Winslow	Governor	Reappointed	8/24/2018
Missoula			7/1/2020
Qualifications (if required): Expertise in mining reclamation techniques			
Ms. Dylan Tate Yonce	Governor	Schroeer-Smith	8/24/2018
Missoula			6/1/2019
Qualifications (if required): Montana High School Student			
Governor's Advisory Council on Aging			
Ms. Kim Gillan	Governor	Howell	8/24/2018
Red Lodge			7/1/2021
Qualifications (if required): Public Representative			
Ms. Laurie Glover	Governor	Reappointed	8/24/2018
Great Falls			7/1/2021
Qualifications (if required): Public Representative			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Advisory Council on Aging Cont.			
Senator Gerald Pease	Governor	Reappointed	8/24/2018
Lodge Grass			7/1/2021
Qualifications (if required): Public Representative			
Information Technology Advisory Council			
Mr. Manuel Soto	Governor	None Stated	8/1/2018
Helena			8/1/2020
Qualifications (if required): Information Technology Manager			
Information Technology Managers Advisory Council			
Ms. Christi Breland	Governor	None Stated	8/1/2018
Helena			8/1/2020
Qualifications (if required): Information Technology Manager			
Mr. John Daugherty	Governor	None Stated	8/1/2018
Helena			8/1/2020
Qualifications (if required): Information Technology Manager			
Ms. Kellee English	Governor	None Stated	8/1/2018
Helena			8/1/2020
Qualifications (if required): Information Technology Manager			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Information Technology Managers Advisory Council Cont.			
Mr. Kreh Germaine	Governor	None Stated	8/1/2018
Helena			8/1/2020
Qualifications (if required): Information Technology Manager			
Mr. Cody Jones	Governor	None Stated	8/1/2018
Boulder			8/1/2020
Qualifications (if required): Local Government Representative			
Ms. Angela Riley	Governor	None Stated	8/1/2018
Helena			8/1/2020
Qualifications (if required): Information Technology Manager			
Ms. Kim Warren	Governor	None Stated	8/1/2018
Helena			8/1/2020
Qualifications (if required): Information Technology Manager			
Interagency Coordinating Council for State Prevention Programs			
Superintendent Elsie Arntzen	Governor	Reappointed	8/3/2018
Helena			1/1/2021
Qualifications (if required): Superintendent of Public Instruction			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Interagency Coordinating Council for State Prevention Programs Cont.			
Ms. Barbara A. Bessette	Governor	None Stated	8/3/2018
Great Falls			7/1/2020
Qualifications (if required): Experiences related to the private nonprofit provision of prevention programs			
Ms. Natalia Bowser	Governor	Marshall	8/3/2018
Helena			1/1/2021
Qualifications (if required): Board of Crime Control Executive Officer			
Mr. Leslie Caye	Governor	None Stated	8/3/2018
Polson			1/1/2021
Qualifications (if required): Presiding Officer of the Montana Children's Trust Fund Board			
Commissioner Clayton Christian	Governor	Reappointed	8/3/2018
Helena			1/1/2021
Qualifications (if required): Commissioner of Higher Education			
Atty. Gen. Tim Fox	Governor	Reappointed	8/3/2018
Helena			1/1/2021
Qualifications (if required): Attorney General			
Commissioner Galen Hollenbaugh	Governor	Bucy	8/3/2018
Helena			1/1/2021
Qualifications (if required): Commissioner of Labor and Industry			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Interagency Coordinating Council for State Prevention Programs Cont.			
Director Reginald D. Michael	Governor	Batista	8/3/2018
Helena			1/1/2021
Qualifications (if required): Director of the Department of Corrections			
Ms. Shantelle Page Gaynor	Governor	None Stated	8/3/2018
Missoula			7/1/2020
Qualifications (if required): Experiences related to the private or nonprofit provision of prevention programs			
Major General Matthew Quinn	Governor	Reappointed	8/3/2018
Helena			1/1/2021
Qualifications (if required): Adjutant General of the Department of Military Affairs			
Mr. Jason Smith	Governor	Reappointed	8/3/2018
Helena			1/1/2021
Qualifications (if required): Director of the Governor's Office of Indian Affairs			
Director Mike Tooley	Governor	Reappointed	8/3/2018
Helena			1/1/2021
Qualifications (if required): Director of the Department of Transportation			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Invasive Species Council			
Mr. Bruce Anderson	Governor	None Stated	8/3/2018
Chinook			5/9/2021
Qualifications (if required): Representative of Private Landowners			
Mental Disabilities Board of Visitors			
Ms. Jessica Clark	Governor	Hajny	8/3/2018
Missoula			6/30/2019
Qualifications (if required): Consumer or family member of consumer of mental health services			
Mr. Dan Laughlin	Governor	Reappointed	8/3/2018
Anaconda			6/30/2020
Qualifications (if required): Experience with treatment and welfare of children with serious emotional disturbances			
Ms. Sicily Nicole Morris	Governor	Perez	8/3/2018
Billings			6/30/2019
Qualifications (if required): Professional person in the field of mental health treatment			
Montana Information Security Advisory Council			
Mr. Andy Hanks	Governor	Pizzini	8/3/2018
Helena			6/30/2019
Qualifications (if required): State Agency			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Native Youth Suicide Reduction Coalition			
Ms. Kati Antonich	Governor	None Stated	8/1/2018
Great Falls			6/30/2019
Qualifications (if required): Nurse/Tobacco Program Manager			
Mr. Peter Big Hair	Governor	None Stated	8/1/2018
Crow Agency			6/30/2019
Qualifications (if required): Crow Nation Recovery Center Director			
Mr. Ernie Bighorn	Governor	None Stated	8/1/2018
Poplar			6/30/2019
Qualifications (if required): Leadership, TAP Coordinator			
Mr. Loren Bird Rattler	Governor	None Stated	8/1/2018
Browning			6/30/2019
Qualifications (if required): Leadership, Blackfeet Resource Management Plan Project Manager			
Ms. Linda Blackbird Short	Governor	None Stated	8/1/2018
Great Falls			6/30/2019
Qualifications (if required): Substance Abuse Program Case Manager			
Ms. Brenda Bodnar	Governor	None Stated	8/1/2018
St. Ignatius			6/30/2019
Qualifications (if required): Health and Wellness Division Director			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Native Youth Suicide Reduction Coalition Cont.			
Ms. Patty Boggs Butte	Governor	None Stated	8/1/2018 6/30/2019
Qualifications (if required):	Health Coordinator		
Ms. Bertha Brown Lame Deer	Governor	None Stated	8/1/2018 6/30/2019
Qualifications (if required):	MSPI Dragonfly Co-Facilitator		
Ms. Shawna Buffalo St. Ignatius	Governor	None Stated	8/1/2018 6/30/2019
Qualifications (if required):	Behavioral Health Therapist		
Ms. Carla Campbell Butte	Governor	None Stated	8/1/2018 6/30/2019
Qualifications (if required):	Nurse Practitioner		
Ms. Kathy Chavis Butte	Governor	None Stated	8/1/2018 6/30/2019
Qualifications (if required):	Licensed Addiction Counselor		
Mr. Dale DeCoteau Poplar	Governor	None Stated	8/1/2018 6/30/2019
Qualifications (if required):	Mental Health Manager/ Suicide Prevention Coordinator		

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Native Youth Suicide Reduction Coalition Cont.			
Ms. Monique Denny Billings Qualifications (if required): Leadership	Governor	None Stated	8/1/2018 6/30/2019
Ms. Valerie Enemy Hunter Billings Qualifications (if required): Leadership	Governor	None Stated	8/1/2018 6/30/2019
Ms. Aryn Fisher Lame Deer Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019
Mr. Michael Geboe Great Falls Qualifications (if required): Licensed Addiction Counselor	Governor	None Stated	8/1/2018 6/30/2019
Ms. Lily Gervais Missoula Qualifications (if required): Behavioral Health Supervisor	Governor	None Stated	8/1/2018 6/30/2019
Mr. Bubby Gopher Box Elder Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Native Youth Suicide Reduction Coalition Cont.			
Ms. McKenzie Gopher	Governor	None Stated	8/1/2018
Box Elder			6/30/2019
Qualifications (if required): Youth			
Mr. Lazorus Hugs	Governor	None Stated	8/1/2018
Pryor			6/30/2019
Qualifications (if required): Youth			
Ms. Erin Irvine	Governor	None Stated	8/1/2018
St. Ignatius			6/30/2019
Qualifications (if required): ECS Parent Mentor			
Mr. Calvin Jilot	Governor	None Stated	8/1/2018
Box Elder			6/30/2019
Qualifications (if required): Business Committee Member			
Ms. Desarae KillEagle	Governor	None Stated	8/1/2018
Dodson			6/30/2019
Qualifications (if required): Leadership			
Ms. Jordell King Cole	Governor	None Stated	8/1/2018
Hays			6/30/2019
Qualifications (if required): Youth			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Native Youth Suicide Reduction Coalition Cont.			
Mr. Jess T. Kirkaldie Hays Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019
Ms. Mary Ellen LaFromboise Browning Qualifications (if required): Blackfeet Family Services Director	Governor	None Stated	8/1/2018 6/30/2019
Ms. Jade-Heather Lepotokisi Browning Qualifications (if required): MSPI Coordinator	Governor	None Stated	8/1/2018 6/30/2019
Mr. Ivan MacDonald Missoula Qualifications (if required): Behavioral Health Intern	Governor	None Stated	8/1/2018 6/30/2019
Ms. Carrie Manning Poplar Qualifications (if required): Leadership	Governor	None Stated	8/1/2018 6/30/2019
Ms. AriAnna Matt St. Ignatius Qualifications (if required): Assistant Youth Leader	Governor	None Stated	8/1/2018 6/30/2019

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Native Youth Suicide Reduction Coalition Cont.			
Ms. Kimberly McKeehan Great Falls Qualifications (if required): Tribal Council Member	Governor	None Stated	8/1/2018 6/30/2019
Mr. Wyatt Miller Frazer Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019
Ms. Madison Mitchell Great Falls Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019
Ms. Rylee Mitchell Great Falls Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019
Ms. Shania Nagel Billings Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019
Ms. Marilee Peterson Missoula Qualifications (if required): RN Care Navigator	Governor	None Stated	8/1/2018 6/30/2019

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Native Youth Suicide Reduction Coalition Cont.			
Ms. Rachel Picardo Helena Qualifications (if required): Receptionist	Governor	None Stated	8/1/2018 6/30/2019
Ms. Marina Powers Missoula Qualifications (if required): Medical Assistant	Governor	None Stated	8/1/2018 6/30/2019
Ms. Ronnelle Running Fisher Hays Qualifications (if required): Acting Supervisor Fort Belknap Law Enforcement	Governor	None Stated	8/1/2018 6/30/2019
Ms. Deborah Russell Garryowen Qualifications (if required): Acting HHS Cabinet Head/Crow Tribal Health Director	Governor	None Stated	8/1/2018 6/30/2019
Mr. Richard Sangrey Box Elder Qualifications (if required): Chief of Staff	Governor	None Stated	8/1/2018 6/30/2019
Ms. Alexis Smith Helena Qualifications (if required): Behavioral Healthcare Coordinator	Governor	None Stated	8/1/2018 6/30/2019

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Native Youth Suicide Reduction Coalition Cont.			
Mr. Haden Standing Water Lame Deer Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019
Ms. Kim Tatsey-McKay Browning Qualifications (if required): Good Medicine Program Director	Governor	None Stated	8/1/2018 6/30/2019
Ms. Janelle Timber-Jones Lame Deer Qualifications (if required): MSPI Dragonfly Coordinator	Governor	None Stated	8/1/2018 6/30/2019
Ms. Maria Vega Wolf Point Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019
Ms. Samantha Vulles Helena Qualifications (if required): Youth Program Coordinator	Governor	None Stated	8/1/2018 6/30/2019
Ms. Dacee Whiteman Garryowen Qualifications (if required): Youth	Governor	None Stated	8/1/2018 6/30/2019

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Pulse Crop Committee			
Mr. Ryan Bogar	Governor	Reappointed	8/24/2018
Vida			6/30/2021
Qualifications (if required): Member from an eastern district			
Mr. Colby Johnson	Governor	Reappointed	8/24/2018
Conrad			6/30/2021
Qualifications (if required): At-large member from either district			
Mr. Gordon Stoner	Governor	Murray	8/24/2018
Outlook			6/30/2021
Qualifications (if required): Member from an eastern district			
Motorcycle Safety Advisory Commission			
Ms. Kristin Kennedy	Governor	Baldwin	8/24/2018
Sidney			7/1/2019
Qualifications (if required): Motorcycle riders representing motorcycle riding groups			
Petroleum Tank Release Compensation Board			
Mr. Jason Rorabaugh	Governor	Thompson	8/24/2018
Belgrade			7/1/2021
Qualifications (if required): Representative of Service Station Dealers			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Rail Service Competition Council			
Mr. Ken Fichtler	Governor	Rogers	8/24/2018
Helena			1/1/2021
Qualifications (if required): Chief Business Development Officer of Economic Development			
Mr. Vu Pham	Governor	Berget	8/24/2018
Billings			1/1/2021
Qualifications (if required): Knowledge of Mineral Industry Transportation			
State Banking Board			
Ms. Kay Clevidence	Governor	Gaglia	8/24/2018
Victor			7/1/2021
Qualifications (if required): Active officer in state bank of Montana			
State Workforce Innovation Board			
Mrs. Rebecca Jenice Bey	Governor	Gatzemeier	8/24/2018
Billings			7/27/2019
Qualifications (if required): Business Representative			
Ms. Jillian Jaye Daniels	Governor	Hammerquist	8/24/2018
Great Falls			7/27/2019
Qualifications (if required): Business Representative			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State-Tribal Economic Development Commission			
Ms. Delina Cuts The Rope Harlem	Governor	Reappointed	8/24/2018 6/30/2021
Qualifications (if required): Alternative Representative of the Fort Belknap Indian Community			
Chairman Gerald Gray Billings	Governor	Reappointed	8/3/2018 7/1/2021
Qualifications (if required): Little Shell Tribal Representative			
Councilwoman Brandi King Harlem	Governor	Kennedy	8/24/2018 6/30/2021
Qualifications (if required): Representative of the Fort Belknap Indian Community			
Mr. Clarence Sivertsen Belt	Governor	Reappointed	8/3/2018 7/1/2021
Qualifications (if required): Little Shell Tribal Alternate			
Statewide Independent Living Council			
Mr. Scott Lee Birkenbuel Bozeman	Governor	Moll	8/3/2018 12/1/2019
Qualifications (if required):			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Statewide Independent Living Council Cont.			
Mr. Carlos Alberto Ramalho	Governor	None Stated	8/3/2018
Billings			12/1/2020
Qualifications (if required): Person with a disability not employed by state agency			
Traumatic Brain Injury Advisory Council			
Ms. April Haugrose	Governor	Reed	8/24/2018
Great Falls			1/1/2020
Qualifications (if required): Representative of injury control or prevention programs			
Unemployment Insurance Appeals Board			
Mr. Bruce Campbell	Governor	Driscoll	8/3/2018
Helena			1/1/2019
Qualifications (if required): Public Representative			
Water Pollution Control Advisory Council			
Ms. Karen Bucklin Sanchez	Governor	Reappointed	8/24/2018
Bozeman			1/1/2021
Qualifications (if required): Licensed professional engineer			
Mrs. Mary Ahmann Hibbard	Governor	Tyler	8/24/2018
Helena			1/1/2021
Qualifications (if required): Realtor or developer representative			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Water Pollution Control Advisory Council Cont.			
Ms. Stevie Neuman Vaughn	Governor	Reappointed	8/24/2018 1/1/2021
Qualifications (if required): Supervisor of a soil and water conservation district			
Mr. Earl Salley Great Falls	Governor	Reappointed	8/24/2018 1/1/2021
Qualifications (if required): Representative of industry concerned with the disposal of inorganic waste			
Mr. Trevor Selch Helena	Governor	Reappointed	8/24/2018 1/1/2021
Qualifications (if required): Fisheries biologist			
Mr. William Adam Sigler Bozeman	Governor	Williams	8/24/2018 1/1/2021
Qualifications (if required): Member of the public			
Mr. Michael Wendland Rudyard	Governor	Reappointed	8/24/2018 1/1/2021
Qualifications (if required): Production agriculture representative			
Mr. Craig C. Workman Whitefish	Governor	Smith	8/24/2018 1/1/2021
Qualifications (if required): Person serving as a public works director			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Water Pollution Control Advisory Council Cont.			
Mr. Bob Zimmer Bozeman	Governor	Hall	8/24/2018 1/1/2021
Qualifications (if required): Conservation organization representative			
Youth Justice Council			
Mr. Qasim Walid Abdul-Baki Missoula	Governor	French	8/24/2018 3/1/2020
Qualifications (if required): Experience and competence in addressing problems related to school violence			
Ms. Minnetta Armstrong Browning	Governor	Ohman	8/24/2018 3/1/2020
Qualifications (if required): Public agency concerned with delinquency prevention			
Ms. Heather Cahoon Missoula	Governor	Lucero	8/24/2018 3/1/2020
Qualifications (if required): Non-profit with special focus on preserving, strengthening families			
Ms. Kimberly Michelle Leighton Helena	Governor	Aune	8/24/2018 3/1/2020
Qualifications (if required): Non-profit with special focus on preserving families			

EXECUTIVE BRANCH APPOINTEES FOR AUGUST 2018

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Youth Justice Council Cont.			
Mrs. Laurie Nelson Barron	Governor	King	8/24/2018
Whitefish			3/1/2020
Qualifications (if required): Person with competence in problems with school violence			
Ms. Jazmyn Saunders	Governor	Helland	8/24/2018
Missoula			3/1/2020
Qualifications (if required): Under the age of 24			

EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Barbers and Cosmetologists		
Mr. Wendell Petersen, Missoula Qualifications (if required): Cosmetologist	Governor	10/1/2018
Ms. Sherry Wieckowski, Thompson Falls Qualifications (if required): Barber	Governor	10/1/2018
Mrs. Connie Leistiko, Kalispell Qualifications (if required): General Public Representative	Governor	10/1/2018
Board of Occupational Therapy Practice		
Mrs. Deborah Swingley, Helena Qualifications (if required): Member of the general public with an interest in the rights of consumers	Governor	12/31/2018
Board of Outfitters		
Mr. Matthew Allen Greenmore, Twin Bridges Qualifications (if required): Outfitter licensed to provide fishing services but not hunting services	Governor	10/1/2018
Labor-Management Advisory Council		
Lt. Governor Mike Cooney, Helena Qualifications (if required): None Stated	Governor	12/31/2018
Mr. Don Judge, Helena Qualifications (if required): Representing employees	Governor	12/31/2018

EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Labor-Management Advisory Council Cont.		
Mr. Bill Dahlgren, Missoula Qualifications (if required): Montana Chamber of Commerce	Governor	12/31/2018
Mr. Larry Jones, Missoula Qualifications (if required): Representative of employers	Governor	12/31/2018
Mr. Doug Buman, Seattle, WA Qualifications (if required): Representing Employees	Governor	12/31/2018
Ms. Annette Hoffman, Billings Qualifications (if required): Representing employers	Governor	12/31/2018
Mr. Chris Cavazos, Helena Qualifications (if required): Representing employees	Governor	12/31/2018
Mr. Eric Strauss, Helena Qualifications (if required): Ex-officio Member	Governor	12/31/2018
Mr. Lance Zanto, Helena Qualifications (if required): Representing employers	Governor	12/31/2018
Mr. Marvin Jones, Great Falls Qualifications (if required): Employers representing self-insurers	Governor	12/31/2018
Mr. Jim Larson, Billings Qualifications (if required): Representing employees	Governor	12/31/2018

EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Labor-Management Advisory Council Cont.		
Mr. Al Smith, Helena Qualifications (if required): Employees chosen by the Montana Trial Lawyers Association	Governor	12/31/2018
Mr. Alan Ekblad, Helena Qualifications (if required): Employers	Galen Hollenbaugh	12/31/2018
Ms. Vicki Evans, Great Falls Qualifications (if required): Self-Insurers	Governor	12/31/2018
Mr. Adam Haight, Helena Qualifications (if required): Employees	Governor	12/31/2018
Montana Alfalfa Seed Committee		
Mr. Dallas Steiger, Hysham Qualifications (if required): Actively engaged in the growing of alfalfa seed	Governor	12/1/2018
Dr. Laura Burkle, Bozeman Qualifications (if required): Actively engaged in the growing of alfalfa seed	Governor	12/1/2018
Montana Parks in Focus Commission		
Representative Chas V. Vincent, Libby Qualifications (if required): Member	Governor	12/31/2018
Mr. Jeffrey Welch, Livingston Qualifications (if required): Member	Governor	12/31/2018

EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Parks in Focus Commission Cont.		
Ms. Angie Grove, Helena Qualifications (if required): Chair	Governor	12/31/2018
Mr. Mark Aagenes, Helena Qualifications (if required): Member	Governor	12/31/2018
Ms. Lise Aangeenbrug, Golden Qualifications (if required): Member	Governor	12/31/2018
Mr. Shane Doyle, Bozeman Qualifications (if required): Member	Governor	12/31/2018
Mr. Dave Galt, Helena Qualifications (if required): Member	Governor	12/31/2018
Mr. Stace Lindsay, Bozeman Qualifications (if required): Member	Governor	12/31/2018
Ms. Norma Nickerson, Missoula Qualifications (if required): Member	Governor	12/31/2018
Mr. Michael Punke, Missoula Qualifications (if required): Member	Governor	12/31/2018
Mr. Lance Trebesch, Bozeman Qualifications (if required): Member	Governor	12/31/2018

EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Parks in Focus Commission Cont. Mr. Aaron Wernham, Bozeman Qualifications (if required): Member	Governor	12/31/2018
Off-Highway Vehicle Advisory Committee Mr. Brad Colin, Billings Qualifications (if required): None Stated	Governor	12/31/2018
Mr. Russ Ehnes, Great Falls Qualifications (if required): None Stated	Governor	12/31/2018
Mr. Mark Klemencic, Great Falls Qualifications (if required): None Stated	Governor	12/31/2018
Ms. Jody Loomis, Helena Qualifications (if required): None Stated	Governor	12/31/2018
Ms. Jennifer Schofield, East Helena Qualifications (if required): None Stated	Governor	12/31/2018
Mr. Bob Walker, Clancy Qualifications (if required): None Stated	Governor	12/31/2018
Mr. Kent Wellner, Missoula Qualifications (if required): None Stated	Governor	12/31/2018

EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Employee Group Benefits Advisory Council		
Mr. Doug Mitchell, Helena Qualifications (if required): State Employee Representative	Director (Commerce)	12/31/2018
Ms. Mary Dalton, Helena Qualifications (if required): State Employee Representative	Director (DPHHS)	12/31/2018
Ms. Diane Fladmo, Helena Qualifications (if required): State Employees and Labor Organizations	Director (MEA-MFT)	12/31/2018
Mr. John McEwen, Helena Qualifications (if required): Retired State Employee's Representative	Director	12/31/2018
Mr. Rex Renk, Helena Qualifications (if required): Judiciary Branch Agencies	Director (Judiciary)	12/31/2018
Senator Jim Keane, Butte Qualifications (if required): Legislature Representative	Director (Legislature)	12/31/2018
Ms. Amy Sassano, Helena Qualifications (if required): State Employee Representative	Director (Gov's Office)	12/31/2018
Mr. Quinton Edward Nyman, Helena Qualifications (if required): State Employees and Labor Organizations	Director (MPEA)	12/31/2018
Ms. Marilyn Bartlett, Helena Qualifications (if required): Ex-officio Member Representing the Department of Administration	Director (Administration)	12/31/2018

EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Employee Group Benefits Advisory Council Cont.		
Ms. Julie Flynn, Helena Qualifications (if required): State Employee Representative	Director (Commerce)	12/31/2018
Ms. Susan Fox, Helena Qualifications (if required): Legislative Branch Agencies	Director (Leg. Branch)	12/31/2018
Ms. Tami Gunlock, Helena Qualifications (if required): State Employees and Labor Organizations	Director (Administration)	12/31/2018
Ms. Peggy MacEwen, Helena Qualifications (if required): State Employee Representative	Director (DEQ)	12/31/2018
Ms. Connie Winner, Helena Qualifications (if required): State Employee Representative	Director	12/31/2018
State Historical Preservation Review Board		
Mr. Zane Fulbright, Lewistown Qualifications (if required): History professional, historical researcher	Governor	10/1/2018
Dr. C. Riley Auge, Missoula Qualifications (if required): History professional, historian	Governor	10/1/2018
State Rehabilitation Council		
Ms. Katherine M. Meier, Great Falls Qualifications (if required): Advocacy Community	Governor	10/1/2018

EXECUTIVE BRANCH VACANCIES – OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Statewide Independent Living Council		
Ms. Barbara Louise Davis, Missoula Qualifications (if required): Public Representative	Governor	12/1/2018
Mr. Mitchell Ray McCabe, Missoula Qualifications (if required): Person with a disability employed by state agency or Center for Independent Living	Governor	12/1/2018
Water and Wastewater Operator's Advisory Council		
Mr. Andrew Loudermilk, Kalispell Qualifications (if required): None Stated	Governor	10/16/2018

MONTANA ADMINISTRATIVE
REGISTER

2018 ISSUE NO. 18
SEPTEMBER 21, 2018
PAGES 1847-1939

COREY STAPLETON
SECRETARY OF STATE

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