

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 21

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 print 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) 444-2055.

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BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULES I and II, and the amendment) PROPOSED ADOPTION AND
of ARM 6.6.4902 and 6.6.4906,) AMENDMENT
pertaining to Patient-Centered)
Medical Homes)

TO: All Concerned Persons

1. On December 2, 2014, at 10:00 a.m., the Commissioner of Securities and Insurance, Montana State Auditor, will hold a public hearing in the 2nd floor conference room, at the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), 840 Helena Ave., Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The CSI will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing, or need an alternative accessible format of this notice. If you require an accommodation, contact the CSI no later than 5:00 p.m., November 25, 2014, to advise us of the nature of the accommodation that you need. Please contact Darla Sautter, CSI, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3499; or e-mail dsautter@mt.gov.

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

NEW RULE I STANDARDS FOR PAYMENT METHODS (1) A payor that currently has a medical home or patient-centered medical home component in its provider contracts or in insurance contracts issued to Montana residents shall submit a letter to the commissioner describing its method of compensating providers no later than January 1, 2015.

(2) A payor that is new to the Montana patient-centered medical home program shall submit a letter of intent describing its proposed method of compensating providers no later than 30 days before beginning participation in the program.

(3) The payor letters described in (1) and (2) must conform to the provisions of Title 33, chapter 40, MCA, applicable Administrative Rules of Montana, and any additional instructions concerning the content and detail of the letter prescribed by the commissioner.

(4) A payor may not participate in the Montana patient-centered medical home program until the commissioner approves the payor as meeting the requirements of this rule.

(5) The commissioner shall maintain copies of the payor letters. After approval, these letters are available to the public, upon request. If the commissioner determines that a payor letter contains trade secret information as defined in 30-14-

402(4), MCA, the commissioner shall redact or otherwise withhold such information from the public.

(6) Payment models must support enhanced primary care and promote the development of patient-centered medical home practices, according to the goals expressed in 33-40-103(4), MCA. Payment methods may include the following:

- (a) payment for patient-centered medical home recognition status;
- (b) reimbursement for patient-centered medical home services such as:
 - (i) care coordination services;
 - (ii) care management services;
 - (iii) disease management services;
 - (iv) population management services;
 - (v) behavior health specialist services; and
 - (vi) clinical pharmacist services.
- (c) payment for improvement in quality metrics;
- (d) shared savings incentives;
- (e) block grants to enhance patient-centered medical home capabilities of primary care practices; and
- (f) any other type of payment method that the commissioner approves as supporting the goals of the Montana patient-centered medical home program.

AUTH: 33-40-104, MCA

IMP: 33-40-104, 33-40-105, MCA

NEW RULE II MEASURES RELATED TO COST AND MEDICAL USAGE—
UTILIZATION MEASURES (1) A recognized patient-centered medical home payor shall report to the commissioner on the following utilization measures:

- (a) emergency room visits; and
 - (b) hospitalization rates.
- (2) A patient-centered medical home payor shall report this information for its entire member population and separately for those members that are attributed to a patient-centered medical home. If the payor does not track member attribution to a patient-centered medical home, that payor may report only for its entire member population.
- (3) The commissioner shall provide detailed instructions on the agency web site regarding the required data reporting on utilization measures by patient-centered medical home payors.
- (4) The first report is due March 31, 2015, and annually thereafter.

AUTH: 33-40-104, MCA

IMP: 33-40-104, 33-40-105, MCA

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

6.6.4902 PATIENT-CENTERED MEDICAL HOME QUALIFICATION

(1) and (2) remain the same.

(3) The commissioner may provisionally qualify a patient-centered medical home for up to one year after the submission of an application, if the applicant needs additional time to obtain the necessary accreditation. The commissioner may extend the provisional status for an additional six months, if requested by the patient-centered medical home and for good cause.

(4) and (5) remain the same.

AUTH: 33-40-104, MCA

IMP: 33-40-104, 33-40-105, MCA

6.6.4906 TIMELINES FOR REQUIRED REPORTING (1) Pursuant to 33-40-105, MCA, a patient-centered medical home shall report on its compliance with quality and performance measures to participating health plans and other payors and the commissioner, no later than March 31 of each year, beginning with 2015, or according to the timeline required by its contract with each payor, whichever is earlier. The commissioner may request that the report also include other information necessary to the evaluation of the Montana patient-centered medical home program.

(2) and (3) remain the same.

AUTH: 33-40-104, MCA

IMP: 33-40-104, 33-40-105, MCA

5. STATEMENT OF REASONABLE NECESSITY: NEW RULE I is necessary to provide specific guidance to patient-centered medical home payors regarding the standard for "payment methods used by health plans to pay patient-centered medical homes for services associated with the coordination of covered health care services," as required by 33-40-105(2)(a), MCA. These rules also satisfy in part the commissioner's obligation to adopt rules on payment methods as required in 33-40-104(1)(a) and 33-40-105(2), MCA.

NEW RULE II is necessary to provide specific guidance to patient-centered medical home payors regarding the required standard for "measures related to cost and medical usage," as required by 33-40-105(2)(d), MCA. These rules also satisfy in part the commissioner's obligation to adopt rules on cost and medical usage as required in 33-40-104(1)(a) and 33-40-105(2), MCA.

AMENDMENT TO ARM 6.6.4902, PATIENT-CENTERED MEDICAL HOME QUALIFICATION is required to allow additional time for provisionally qualified patient-centered medical home practices to achieve full accreditation. The stakeholder council considered this matter and recommended that the commissioner allow an additional six months (18 months total) for provisionally qualified practices to achieve full accreditation. Sometimes practices need additional time because there may be issues related to electronic medical records that are difficult to resolve quickly.

AMENDMENT TO ARM 6.6.4906 TIMELINES FOR REQUIRED REPORTING is necessary to clarify that the annual report, which is also required by

statute may contain other information in addition to compliance with quality and performance measures. The report should contain all information pertaining to other achievements and successes of patient-centered medical home practices and payors so that the annual report reflects on all aspects of the patient-centered medical home program.

6. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Christina L. Goe, General Counsel, Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2040; fax (406) 444-3499; or e-mail cgoe@mt.gov, and must be received no later than 5:00 p.m., December 10, 2014.

7. Christina Goe, General Counsel, has been designated to preside over and conduct this hearing.

8. The CSI maintains a list of concerned 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 and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to Darla Sautter, Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2726; fax (406) 444-3499; or e-mail dsautter@mt.gov, or may be made by completing a request form at any rules hearing held by the CSI.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods due to system maintenance or technical problems.

10. Pursuant to 2-4-302, MCA, the bill sponsor contact requirements apply. Christine Kaufmann is the bill sponsor, and she was contacted by e-mail on May 9, 2014.

11. The CSI has complied with the requirements of 2-4-111, MCA, and determined that NEW RULES I and II and the amendments to ARM 6.6.4902 and 6.6.4906 will not have a significant adverse impact on small businesses.

/s/Nick Mazanec
Nick Mazanec
Rule Reviewer

/s/Christina L. Goe
Christina L. Goe
General Counsel

Certified to the Secretary of State October 27, 2014.

BEFORE THE STATE PARKS AND RECREATION BOARD AND
THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PROPOSED
12.14.120 pertaining to payment of fees) AMENDMENT
for outfitting services)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On January 15, 2015, the State Parks and Recreation Board (board) and the Fish and Wildlife Commission (commission) propose to amend the above-stated rule.

2. The board and commission 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 no later than 5:00 p.m. on November 28, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

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

12.14.120 COMMERCIAL USE PERMITS (1) through (6) remain the same.

(7) A commercial use permit may only be used by the holder of the permit. The permit holder may not sell, lease, or rent the permit, or otherwise receive compensation from another person for the opportunity to use the permit. The permit holder may hire or contract persons to provide authorized services provided that said persons do not recruit clients, make agreements with clients concerning monetary consideration or services provided, ~~collect fees from clients~~, or advertise any business other than the permitted business when conducting the permitted use. The permit holder is responsible for ensuring that the persons hired or contracted comply with the terms of the permit.

(8) A guide hired or contracted by an outfitter to provide authorized services may collect payment on behalf of the outfitter for services provided. Any and all payments must:

(a) not be cash;

(b) name the outfitter that hired or contracted the services; and

(c) be directly deposited to the outfitter that hired or contracted the guide.

(9) The requirements in (8) do not prohibit a hired or contracted guide from receiving a cash tip that is separate from any payment received for services provided. Proof of compliance with this rule must be made available to the department upon request. Any violation of these rules is subject to any and all

penalties and fines by law.

(8) through (12) remain the same but are renumbered (10) through (14).

AUTH: 23-1-105, 23-1-106, 23-1-111, 87-1-301, 87-1-303, MCA

IMP: 23-1-105, 23-1-106, 87-1-303, MCA

REASON: The board and commission amended the commercial use rules earlier in 2014. During the public comment process, the Fishing Outfitters Association of Montana (FOAM) submitted a comment requesting the rules be amended to allow agents of outfitters the ability to collect fees. FOAM stated many times, the outfitter in charge of the trip is not present in all locations where their employees or contractors are conducting trips with clients, and the ability to collect fees from these clients is in keeping with current Board of Outfitters rules.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Department of Fish, Wildlife and Parks, Attn: Commercial Use Rules, P.O. Box 200701, Helena, MT 59620-0701; fax (406) 444-4952; or e-mail FWPCCommercialUseComments@mt.gov, and must be received no later than December 5, 2014.

5. If persons who are directly affected by the proposed action 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 the department at the above address no later than 5:00 p.m., December 5, 2014.

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 more than 25 persons based on the number of outfitters, guides, contracted employees, and clients.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the

Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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 rule will not significantly and directly impact small businesses.

/s/ Tom Towe
Tom Towe, Chairman
State Parks and Recreation Board

/s/ Rebecca Dockter
Rebecca Dockter
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion, Chairman
Fish and Wildlife Commission

Certified to the Secretary of State October 27, 2014.

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

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 24.138.402 fee schedule) HEARING ON PROPOSED
) AMENDMENT

TO: All Concerned Persons

1. On October 9, 2014, the Board of Dentistry (board) published MAR Notice No. 24-138-70 regarding the public hearing on the proposed amendment of the above-stated rule, at page 2346 of the 2014 Montana Administrative Register, Issue No. 19. A public hearing was scheduled for October 31, 2014, in Helena.

2. After the publication of the notice of public hearing, staff discovered that an error had occurred in paragraph 8 which contained the statement that the proposed rule change would significantly and directly affect small businesses. The board had decided during its June 13, 2014, full board meeting that the amendment to ARM 24.138.402 would not have a significant and direct impact on small businesses. The board is filing this amended notice to provide the accurate board decision in paragraph 10, and set new dates for a hearing and public comment deadline.

3. On December 1, 2014, at 10:00 a.m. a public hearing will be held in the Large Conference Room, 4th floor, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

4. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Dentistry (board) no later than 5:00 p.m., on November 24, 2014, to advise us of the nature of the accommodation that you need. Please contact Dennis Clark, Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdden@mt.gov (board e-mail).

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

24.138.402 FEE SCHEDULE (1) through (6) remain the same.

- (7) Active renewal fee for dentists ~~453~~ 306
- (8) Active renewal fee for dental hygienists ~~70~~ 140
- (9) Active renewal fee for denturists ~~400~~ 200
- (10) Inactive renewal fee for dentists ~~453~~ 306
- (11) Inactive renewal fee for dental hygienists ~~70~~ 140
- (12) Inactive renewal fee for denturists ~~400~~ 200

(13) through (17) remain the same.

AUTH: 37-1-131, 37-1-134, 37-4-205, 37-4-340, 37-4-341, 37-4-405, 37-29-201, MCA

IMP: 37-1-134, 37-1-141, 37-4-301, 37-4-307, 37-4-340, 37-4-341, 37-4-402, 37-4-405, 37-29-303, MCA

REASON: The board determined it is reasonably necessary to amend the fee schedule. The board is proposing a license renewal fee increase to achieve financial solvency. Current cash balance for the board will be depleted before the end of calendar year 2014 and the board is statutorily required to maintain fiscal solvency. The cash balance for the board as of mid-July, 2014 was slightly more than \$48,000. As of mid-September, 2014, it was approximately \$17,000. At the time of filing this amended notice, the cash balance is negative \$8,838.

The board has traditionally maintained a cash balance carryover of approximately \$200,000 from fiscal year to fiscal year, although board expenses have regularly exceeded revenue. Revenues for the board (from all sources) have risen from \$200,500 in fiscal year 2009 to over \$219,000 in fiscal year 2013, while board expenses have risen from \$220,300 to over \$270,000 over the same period.

At the end of fiscal year 2013, the board's cash balance was \$96,516. In comparison, the cash balance at the end of fiscal year 2012 was approximately \$147,000 and fiscal year 2011 approximately \$216,000. Staff provided a comprehensive fee increase proposal in the spring of 2010 (fiscal year 2010) when it appeared cash balance may dip below \$200,000, and the financial projection showed a steady erosion of the cash balance in the future. The board determined not to proceed with a fee increase, but to monitor the financial status. The final cash balance after fiscal year 2010 ended was \$226,446.

A number of factors have seen the board's cash balance erode significantly since fiscal year 2012. Primarily, starting in fiscal year 2012, the board incurred an increase in cost of contracting for an impairment program as required by 37-4-311, MCA, Rehabilitation. The board was responsible for paying a portion of the cost of a new licensing database purchased by the Business Standards Division of the Department of Labor and Industry for use by all licensing boards; an increase in personal service costs due to increases in employee wages and benefits as previously approved by the Legislature; the contracting of an independent investigator for dental office sanitation complaints in fiscal year 2013; and additional department legal and associated staffing fees to address a lawsuit against the board in fiscal year 2014. Additionally, there was an overall increase in costs for processing complaints and investigations over the past five fiscal years and there have also been increases in the cost of doing business that all licensing boards are required to pay, such as rent, information technology maintenance fees, postage, and mailing, etc.

The current board renewal fees have been in place since 1995 and the board is statutorily required to assess fees commensurate with costs. The board agreed it is highly unlikely a person would still be paying the same fee for a professional service for over 18 years. The average rate of inflation alone for this period has been approximately 2.52 percent per year or 45.4 percent.

The board estimates the increase in renewal fees will affect approximately 1620 licensees and will result in a total of \$363,350 revenue by June 30, 2015.

DENTISTS: 815 licensees at \$306 each renewal fee = \$249,390

DENTAL HYGIENISTS: 784 licensees at \$140 each renewal fee = \$109,760

DENTURISTS: 21 licensees at \$200 each renewal fee = \$4,200

The total revenue for fiscal year 2015, including the renewal fee increase, is estimated at \$404,034. The total expenses for the same period are estimated at \$291,023.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdden@mt.gov, and must be received no later than 5:00 p.m., December 5, 2014.

7. An electronic copy of this notice of public hearing is available at www.dentistry.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

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

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

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.138.402 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513,

Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdden@mt.gov.

11. Mark Jette, attorney, has been designated to preside over and conduct this hearing.

BOARD OF DENTISTRY
DR. TERRY KLISE, D.D.S., PRESIDENT

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 27, 2014

BEFORE THE BOARD OF REAL ESTATE APPRAISERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.207.401 fees, 24.207.403)
regulatory reviews, 24.207.404)
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and the adoption of NEW RULES I)
and II unprofessional conduct)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
ADOPTION

TO: All Concerned Persons

1. On December 1, 2014, at 1:30 p.m., a public hearing will be held in the Large Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Real Estate Appraisers (board) no later than 5:00 p.m., on November 21, 2014, to advise us of the nature of the accommodation that you need. Please contact Sharon Peterson, Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsirea@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: As part of the periodic review of its administrative rules, the board is proposing revisions

throughout the rules. Some of the proposed amendments are technical in nature, such as renumbering or amending punctuation within rules following amendment, and to comply with ARM formatting requirements. Other changes replace out-of-date terminology for current language and processes, delete unnecessary or redundant sections, and amend rules and catchphrases for accuracy, consistency, simplicity, better organization, and ease of use.

Where necessary, authority and implementation citations are amended to accurately reflect all statutes implemented through the rules and provide the complete sources of the board's rulemaking authority. In addition, the board determined it is reasonably necessary to amend the rules now to ensure compliance with new regulations promulgated by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation that will become effective January 1, 2015. Accordingly, the board has determined that reasonable necessity exists to generally amend certain rules at this time. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

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

24.207.401 FEES (1) The following fees ~~will~~ shall apply to all licensed and certified real estate appraisers, trainees, and applicants. Fees are not refundable or transferable. Fees are not prorated for portions of the year.

(a) and (b) remain the same.

(c) temporary ~~registration of certification and licensure~~
of practice permits for out-of-state licensed or certified appraisers 150

(d) through (2)(i) remain the same.

(j) application to change business structure with addition or substitution of ten percent owner 250

(k) application to change business structure without addition or substitution of ten percent owner 45

(j) remains the same, but is renumbered (l).

~~(k) (m)~~ (m) All audited registered appraisal management companies shall pay an audit fee in the amount of \$450 within 30 days of receiving notification of selection for audit. If the board incurs costs in excess of \$450, the board may assess the appraisal management company for such additional costs incurred, and the appraisal management company shall pay such assessments within 30 days of invoicing or ~~in the timeframe agreed upon~~ as allowed by the board, ~~and designated appraisal management company.~~

(3) remains the same.

AUTH: 37-1-131, 37-1-134, 37-54-105, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, 37-54-105, 37-54-112, 37-54-212, 37-54-302, 37-54-310, MCA

REASON: The board is adding new (2)(j) and (k) to set appropriate fees for changing business structure of appraisal management companies after registration. The fees are necessary to cover administrative costs of processing the changes,

which are higher when there is a new ten percent owner, since board staff must perform a background check prior to approval. After AMCs complained about having to pay a full application fee for these changes, the board examined its processes and found them similar to those for changing addresses and the redesignation of controlling persons. The board is setting these fees to be commensurate with the actual administrative costs, and estimates that six AMC applicants will be affected by the new fees, and that the changes will result in a \$17,500 decrease in annual revenue.

The board is amending (2)(m) to add a deadline for payment of the appraisal management company audit fee to ensure prompt payment and speed up the audit process. Additionally, the board is specifying that the board will decide deadlines for payment of audit costs in excess of \$450. Noting that an open-ended payment period is inefficient and may be open to manipulation, the board is proposing these amendments to bring certainty to the time periods while allowing the board some flexibility in setting payment terms in individual cases.

24.207.403 REGULATORY REVIEWS (1) The board or its designee may request, by a random selection, that of licensed or certified real estate appraisers, submit a copy complete copies of an appraisal report reports or appraisal review reports, including complete copies of the work files and any applicable data referenced in the work files for review for compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated by The the Appraisal Foundation.

(2) All licensed or certified real estate appraisers shall comply with a any request of by the board or its designee within 20 days. Failure to timely and completely comply with a any request constitutes grounds for unprofessional conduct under 37-1-316, MCA.

(3) The board or its designee may request a copy of an appraisal report or appraisal review report, including the complete work file and any applicable data referenced in the work file, from a licensee or applicant in connection with an application, complaint, or investigation. Failure to timely provide a complete record of the documents requested within 20 days constitutes grounds for unprofessional conduct under 37-1-316, MCA.

AUTH: 37-54-105, MCA

IMP: 37-1-136, 37-54-416, MCA

REASON: To address licensee confusion regarding the collection and review of appraisal work, the board is amending this rule to clarify that the board is authorized to request appraisal work randomly, or in connection with complaints, applications, or investigations.

The board is also amending this rule to specify that requests may be made by board designees who aid in performing administrative services for the board. The board is also establishing a 20-day deadline for submission of requested appraisal work, to encourage licensee cooperation and ensure an efficient review process.

24.207.404 APPRAISAL REVIEW (1) A licensed or certified appraiser who serves on the Board of Real Estate Appraisers is exempt from ~~writing~~ completing an appraisal review in accordance with ~~Uniform Standards of Professional Appraisal Practice (USPAP)~~ as promulgated by ~~The~~ the Appraisal Foundation ~~Standards Rule 3~~ in the performance of their board duties.

~~(2) Implementation of disciplinary proceedings necessitates a Standard 3 review before action can be taken~~ An appraisal review report shall be completed prior to any disciplinary proceedings for noncompliance with USPAP.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-54-105, MCA

REASON: The board is amending (2) to clarify that a review in accordance with USPAP is only necessary when the discipline involves alleged USPAP violations. The board concluded this clarification is needed after board legal counsel pointed out that some disciplinary actions involve non-USPAP violations like renewal without meeting required continuing education, or criminal convictions under 37-1-316, MCA.

24.207.406 DEFINITIONS (1) "AQB" means the Appraiser Qualifications Board of the Appraisal Foundation as provided for under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

~~(1) (2)~~ "Engagement" means each separate instance in which ~~the appraisal management company engages~~ a licensed or certified appraiser in Montana is engaged to perform an appraisal of property assignment in Montana, regardless of the ~~level or extent~~ scope of the activity work.

(3) "Nonroutine Reciprocal Applicant" means an applicant holding a license in another state in which the licensing requirements in the domicile state are not equal to or greater than the licensing requirements in Montana; the license is not in good standing; or there is a reason to deny the license under the laws of Montana governing the real estate appraisers profession or occupation.

(4) "USPAP" means the Uniform Standards of Professional Appraisal Practice.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-304, 37-54-202, 37-54-302, 37-54-403, 37-54-501, MCA

REASON: The board is amending (2) to align the definition with USPAP terminology for ease of use among appraisers.

It is reasonably necessary to add (3) to define "nonroutine reciprocal applicant" to assist applicants, licensing staff, and federal auditors in knowing when applications from individuals licensed in other states might require additional board review.

The board determined it is also necessary to define "USPAP" and "AQB" as these terms are frequently used throughout the board rules.

24.207.408 MILITARY TRAINING OR EXPERIENCE (1) and (2) remain the same.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a licensed real estate appraiser, certified residential real estate appraiser, and certified general real estate appraiser. ~~At a minimum, satisfactory~~ Satisfactory evidence ~~shall include~~ includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) through (4) remain the same.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: It has come to the board's attention that certain military personnel (reservists and national guardsmen who have never been activated) in fact do not receive a DD 214 form upon their discharge from the military. Because the rule may be interpreted to absolutely require a DD 214 from all applicants who wish to submit evidence of relevant military training, service, or education as part of the licensure process, the board is amending this rule to allow consideration of other evidence of military discharge in addition to or in lieu of a DD 214 form.

24.207.501 EXAMINATION (1) A passing score on an examination shall be valid for two years from the examination date until December 31, 2014.

~~(2) Effective January 1, 2013, an An~~ applicant must complete all qualifying education and experience prior to taking the examination.

~~(3) The applicant, within two years prior to submitting an application for a license or certification, shall have successfully completed the Appraiser Qualifications Board endorsed Uniform State Licensed Real Property Appraiser Examination with the following passing scores:~~

~~(a) licensed residential - 75 percent;~~

~~(b) certified residential - 77 percent; and~~

~~(c) certified general - 79 percent.~~

(3) Effective January 1, 2015, an applicant shall be required to successfully complete and pass the 2015 or later examination requirements of the AQB.

(4) The applicant must successfully complete and pass the examination required in (3) within 24 months of receiving the board's approval to take the examination.

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

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, 37-54-202, 37-54-302, MCA

REASON: The board is amending (1) and adding (3) to comply with the 2015 requirements of the AQB. The board determined it is necessary to remove references to specific examination passing scores, because the AQB has set the standard passing scores. The board concluded that the AQB standards are

adequate to ensure that applicants meet the minimum requirements for licensure in Montana. The board is adding new (4) to implement the AQB requirement that all exam applicants take and pass the examination within 24 months of receiving the jurisdiction's approval to take the examination.

24.207.502 APPLICATION REQUIREMENTS (1) An application for a license or temporary practice permit must be made on a form provided by the board and completed and signed by the applicant with the signature acknowledged before a notary public and include the applicant's state license number, if applicable.

(2) and (3) remain the same.

(4) The board shall review applications for compliance with board applicable law laws and rules and shall notify the applicant in writing of the results of the evaluation of the application. The board may request such additional information or clarification of information provided in the application as it deems reasonably necessary. Incomplete applications shall be acknowledged with a statement regarding incomplete portions.

(5) The board will or its designee shall select work-product appraisal reports from the experience log to validate experience and for review in accordance with USPAP. The work-product appraisal reports requested will be commensurate with the level of licensure sought:

(a) remains the same.

(b) certified residential - two- to four-unit income-producing residential appraisals appraisal reports with all three approaches to value are required; and

(c) general certification - nonresidential report appraisal reports with all three approaches to value with income approach, cost approach, and sales comparison approach are required.

(6) remains the same.

(7) A nonroutine reciprocal applicant shall make application on forms provided by the board and pay any applicable fee.

(a) The board or its designee shall select appraisal reports from the experience log of all applicants. The appraisal reports requested shall be commensurate with the level of licensure sought:

(i) licensure level - single unit residential appraisal reports are required;

(ii) certified residential - two- to four-unit income-producing residential appraisal reports with all three approaches to value are required; and

(iii) general certification - nonresidential report with all three approaches to value are required.

(b) The applicant shall correct any deficiencies and submit required material within 60 days of notice with no additional application fee. Failure to submit materials will be treated as a voluntary withdrawal. After voluntary withdrawal, an applicant will be required to submit an entirely new application to begin the process again.

(8) A routine reciprocal applicant shall make application on forms provided by the board and pay any applicable fee.

(7) remains the same, but is renumbered (9).

(10) The board will not issue a license if an applicant has had a license or certification revoked in any jurisdiction within the five-year period preceding the date of application in this state.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, 37-54-202, MCA

REASON: The board is amending (1) to remove the notary requirement and further facilitate online licensing. The board is also amending (1) to require that applicants who already hold licenses provide their license numbers to aid in license verification and ensure applicants are in good standing in other jurisdictions.

The board is amending (5) to clarify the purposes for board review of appraisal reports and the manner in which these reports are selected.

The board is proposing new (7) and (8) to address applicant questions by clearly delineating the application process for individuals who are licensed or certified in other states. The board is proposing to add (10) to conform to the 2015 AQB requirements.

24.207.503 EXPERIENCE - NUMBER OF HOURS REQUIRED (1) and (2) remain the same.

(3) Applicants for certification as a certified general real estate appraiser must present evidence of 3000 hours of appraisal experience, obtained over a period of not less than 30 months. Hours may be treated as cumulative in order to achieve the necessary 3000 hours of appraisal experience. The applicant must have accumulated a total of 3000 hours of appraisal experience of which at least 1500 hours must be in nonresidential appraisal ~~work~~ experience.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, 37-54-202, 37-54-303, MCA

24.207.504 QUALIFYING AND CONTINUING EDUCATION REQUIREMENTS (1) through (2)(b) remain the same.

(c) the instructor is qualified with respect to course content and teaching methods; ~~or~~

(d) the number of participants and physical facilities are consistent with the teaching methods; ~~and~~

(e) the qualifying education course includes an examination for measuring the information learned;

(f) qualifying education courses must have a minimum length of 15 hours;
and

(g) continuing education courses must have a minimum length of two hours.

(3) The following may be approved as providers of educational and training courses provided the standards set forth in (2)(~~a~~) through (~~e~~) are met:

(a) universities, colleges, junior colleges, or community colleges accredited by a regional accrediting body accepted by the appropriate agency of the state of Montana;

(b) professional appraisal and real estate related organizations, ~~provided that the organization is a member of The Appraisal Foundation as defined in 37-54-102, MCA; or~~

~~(c) proprietary schools holding valid certificates of approval from Montana; or~~

(d) remains the same, but is renumbered (c).

(4) To apply for approval, a course provider must make application in the manner prescribed by the board and pay the proper fee 30 days prior to offering the course. The application shall include, but not be limited to:

(a) through (e) remain the same.

~~(5) A passing score for each course is required.~~

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

~~(7)~~ (6) An applicant must attend 100 percent of the scheduled class hours, complete all required exercises, and achieve a passing score on the a proctored course examination in order to receive credit for the a qualifying education course.

(8) through (12) remain the same, but are renumbered (7) through (11).

(a) the distance education (~~online~~) course serves to protect the public by contributing to the maintenance and improvement of the quality of real estate appraisal services provided by real estate appraiser licensees to the public;

(b) remains the same.

(c) the distance education (~~online~~) course provider must be certified by the International Distance Education Certification Center (IDECC) and provide appropriate documentation that the IDECC certification is in effect. Approval will cease immediately should IDECC certification be discontinued for any reason; and

(d) the distance education (~~online~~) course meets all other requirements as prescribed in the statutes and rules that govern the operation of approved courses.

(13) and (14) remain the same, but are renumbered (12) and (13).

(14) Credit toward qualifying education requirements may be obtained via the completion of a degree program in real estate from an accredited degree-granting college or university, provided the college or university has had its curriculum reviewed and approved by the AQB.

(15) Aside from complying with the requirements to complete the seven-hour national USPAP update course or its AQB-approved equivalent, trainees and appraisers may not receive credit for completion of the same continuing education course offering within a trainee's or an appraiser's continuing education cycle.

AUTH: 37-1-131, 37-1-319, 37-54-105, MCA

IMP: 37-1-131, 37-1-306, 37-54-105, 37-54-202, MCA

REASON: The board determined it is reasonably necessary to add (2)(f) and (g) to maintain conformity with AQB criteria.

The board is amending (3)(b) because appraisal and real estate organizations are not eligible to become members of the Appraisal Foundation. The board is striking current (3)(c) because it is not necessary to distinguish proprietary schools from other education providers, and proprietary schools may be approved on a case-by-case basis like other education providers under renumbered (3)(c).

The board decided to eliminate (5) as unnecessary, as only qualifying education courses must include an exam and an examination is already required for qualifying education courses under (2)(e).

The board is adding (14) and (15) to comply with new AQB requirements for 2015.

24.207.505 QUALIFYING EDUCATION REQUIREMENTS FOR LICENSED REAL ESTATE APPRAISERS (1) through (4) remain the same.

(5) Applicants for original licensure as a licensed real estate appraiser shall complete at least 150 hours of board-approved instruction in the required core curriculum and the college education requirement in (6).

(6) In addition to the required core curriculum, applicants for licensure as a licensed real estate appraiser shall complete 30 semester credit-hours or 45 quarter-hours of college-level education from an accredited college, junior college, community college, or university, or an associate's degree or higher in any field. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. If an accredited college or university accepts the College-Level Examination Program and examination(s), and issues a transcript for the examination showing its approval, it will be considered as credit for the college course.

(7) Applicants with a college degree from a foreign country may have their education evaluated for equivalency by one of the following:

- (a) an accredited, degree-granting domestic college or university;
- (b) the American Association of College Registrars and Admissions Officers;
- (c) a foreign-degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services; or
- (d) a foreign-degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a licensing board or program administratively attached to the department that issues credentials in another profession.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, 37-54-202, MCA

REASON: The board determined it is reasonably necessary to amend ARM 24.207.505, 24.207.506, and 24.207.507 to ensure compliance with new regulations promulgated by the AQB that will become effective January 1, 2015. The AQB regulations require all real estate appraisal licensing agencies to adopt new criteria for licensing and certifying real estate appraisers who perform appraisals in federally related transactions. The proposed amendments satisfy the new AQB minimum criteria for licensing appraisers in 2015.

24.207.506 QUALIFYING EDUCATION REQUIREMENTS FOR RESIDENTIAL CERTIFICATION (1) and (2) remain the same.

(3) To upgrade from a trainee or a licensed real estate appraiser to a certified residential real estate appraiser, an applicant may use education obtained for

licensure as a licensed real estate appraiser, as long as the education meets the required core curriculum in this section (2) and the degree requirement in (5).

(4) and (4)(a) remain the same.

~~(b) 21 semester credit hours covering the subject matter of English composition, principles of economics (micro or macro), finance, algebra, geometry or higher mathematics, statistics, introduction to computers (word processing/spreadsheets), and business or real estate law. In lieu of the required courses, an associate degree will qualify; the degree requirement in (5).~~

~~(c) a passing score of 70 percent or a pass/fail grade must be achieved for semester credit hours;~~

~~(d) semester credit hours must be received from an accredited college; and~~

~~(e) online college credits must be received from an accredited college.~~

(5) In addition to the required core curriculum, applicants for certification as certified residential real estate appraisers must hold a bachelor's degree or higher in any field from an accredited college or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(6) Applicants with a college degree from a foreign country may have their education evaluated for equivalency by one of the following:

(a) an accredited, degree-granting domestic college or university;

(b) the American Association of College Registrars and Admissions Officers;

(c) a foreign-degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services; or

(d) a foreign-degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a licensing board or program administratively attached to the department that issues credentials in another profession.

AUTH: 37-1-131, 37-54-105, 37-54-303, MCA

IMP: 37-1-131, 37-54-105, 37-54-303, MCA

24.207.507 QUALIFYING EDUCATION REQUIREMENTS FOR GENERAL CERTIFICATION (1) through (3) remain the same.

(4) To upgrade from a trainee or licensed real estate appraiser to a certified general appraiser, an applicant may use prior education that also meets the specific criteria identified in (3) and a minimum of 30 semester credit hours covering comply with the requirements degree requirement of (6)(b) (7).

(5) To upgrade from certified residential real estate appraiser to a certified general real estate appraiser, an applicant may use prior education for licensure that meets the specific criteria identified in (3) and a minimum of 30 semester credit hours covering comply with the requirements degree requirement of (6)(b) (7).

(6) and (6)(a) remain the same.

~~(b) 30 semester credit hours covering the subject matter courses of English composition, economics (micro or macro), finance, algebra, geometry or higher mathematics, statistics, introduction to computers (word processing/spreadsheets), business or real estate law, and two elective courses in either accounting,~~

geography, agricultural economics, business management, or real estate. In lieu of the required courses, a bachelors degree will qualify completion of the degree requirement of (7).

(7) In addition to the required core curriculum, applicants for certification as certified residential real estate appraisers must hold a bachelor's degree or higher in any field from an accredited college or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(8) Applicants with a college degree from a foreign country may have their education evaluated for equivalency by one of the following:

(a) an accredited, degree-granting domestic college or university;

(b) the American Association of College Registrars and Admissions Officers;

(c) a foreign-degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services; or

(d) a foreign-degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a licensing board or program administratively attached to the department that issues credentials in another profession.

AUTH: 37-1-131, 37-54-105, 37-54-303, MCA

IMP: 37-1-131, 37-54-105, 37-54-303, MCA

24.207.508 AD VALOREM TAX APPRAISAL EXPERIENCE (1) Experience credit may be awarded to ad-valorem tax appraisers a credentialed Montana Department of Revenue appraiser who can effectively demonstrate that they use techniques to value properties in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), and effectively use the appraisal process. Applicants will be questioned on appraisal techniques by the board during an oral interview.

(2) Components of the mass appraisal process that may be given credit are: the highest and best use analysis; model specification (developing the model); and model calibration (developing adjustments to the model). Other components of the mass appraisal process, by themselves, shall not be eligible for experience credit. Applicants will be questioned on these analyses by the board during an oral interview.

(3) remains the same, but is renumbered (2).

(a) The documentation shall include an experience log which is prescribed by the board, completed by the applicant, and each page attested to by with the signature of the applicant's credentialed Montana Department of Revenue supervisor. This form will indicate the type of experience and hours applicable to ad valorem necessary to confirm the necessary experience hours for the designation sought by the applicant, including individual property appraisals, tax appeals, model specifications, and model calibrations.

(b) The documentation shall include 500 hours of single property be limited to appraisals which have been completed, according to standards, in compliance with the USPAP within the last five years. For licensure as a licensed real estate

appraiser and ~~certification~~ licensure as a certified residential real estate appraiser, the appraisals ~~would~~ must be for residential properties. For ~~certification~~ licensure as a certified general real estate appraiser, the appraisals ~~would~~ must be for nonresidential properties.

~~(4)~~ (3) Applicants shall hold, at a minimum, the following certification(s) issued by the Montana Department of Revenue, or equivalent from another state, as verified on supervisor's affidavit, or by separate documentation issued to applicant:

(a) Applicants for licensure as a licensed real estate appraiser and ~~certification~~ or licensure as a certified residential real estate appraiser shall hold a Montana Department of Revenue residential certification.

(b) Applicants for ~~certification~~ licensure as a certified general real estate appraiser shall hold a Montana Department of Revenue commercial, industrial, or agricultural certification.

~~(5)~~ (4) Experience credit accepted under other provisions of applicable statutes or rules such as ARM 24.207.503 ~~may be combined with any portion of is~~ limited to include a maximum of 1,000 hours from the ad valorem experience set forth above. All other experience credit must be obtained as a licensed trainee with an approved mentor.

~~(6)~~ (5) ~~Mass appraisals shall be performed in accordance with Standards Rule 6 of~~ All ad valorem appraisal experience claimed for credit toward licensure or certification must have been completed as a Montana Department of Revenue certified real estate appraiser as described in (3) and must have been performed in accordance with the USPAP.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, MCA

REASON: The board determined it is reasonably necessary to amend this rule to update language and reflect changes in Montana Department of Revenue processes and terminology that occurred since this rule was last amended.

24.207.509 QUALIFYING EXPERIENCE ~~(1) Acceptable appraisal experience includes but is not limited to the following:~~

- ~~(a) fee and staff appraisals;~~
- ~~(b) ad valorem tax appraisals, in accordance with ARM 24.207.508;~~
- ~~(c) review appraisals;~~
- ~~(d) appraisal analysis;~~
- ~~(e) real estate appraisal consulting;~~
- ~~(f) highest and best use analysis;~~
- ~~(g) appraisal feasibility analyses or studies; and~~
- ~~(h) eminent domain appraisals.~~

(2) remains the same, but is renumbered (1).

~~(3)~~ (2) All applicants claiming appraisal experience shall have made a substantial contribution in arriving at a value conclusion as evidenced by the applicant's signature on the ~~report or~~ experience log and the applicant's name listed ~~in the report.~~ identified within the signed certification as required by the USPAP. To claim qualifying experience, the applicant's contribution must be identified within the

certification and scope of work. The experience log must demonstrate Each appraisal shall show progressive participation in the appraisal process as documented in the experience log approved by the board.

~~(4)~~ (3) All evidence of appraisal activity experience must be supported by written file memoranda a work file or written report and made available to the board for review.

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

(a) through (c) remain the same.

(d) description of work performed by the trainee/applicant and signature and license number of the trainee;

(e) number of actual work hours claimed by the trainee/applicant on the assignment in accordance with (8), (9), and (10); and

(f) scope of work completed by trainee; and the review and the signature and certification number of the mentor.

~~(g) scope of work completed by approved mentor.~~

~~(6)~~ (5) All experience submitted to the board must be done in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated by The the Appraisal Foundation that is current at the time the appraisal experience is completed.

~~(7)~~ (6) Qualifying experience must be obtained within five years prior to application date, unless otherwise determined previously approved by the board.

~~(8)~~ (7) Timber and mineral appraisal does valuations shall not qualify as real estate appraisal experience, unless performed in conjunction with a real estate appraisal assignment involving real property.

(9) remains the same, but is renumbered (8).

(a) single family unit residential (one unit dwelling)

(i) ~~self-contained report~~ 40

~~(ii) summary appraisal report~~ 12

~~(iii) (ii) restricted use appraisal report~~ 12

(b) multifamily multiunit residential (two to four units) 20

(i) ~~self-contained report~~ 40

~~(ii) summary appraisal report~~ 20

~~(iii) (ii) restricted use appraisal report~~ 20

(c) remains the same.

(i) ~~self-contained report~~ 46

~~(ii) summary appraisal report~~ 8

~~(iii) (ii) restricted use appraisal report~~ 8

(d) remains the same.

(i) ~~self-contained report~~ 40

~~(ii) summary appraisal report~~ 5

~~(iii) (ii) restricted use appraisal report~~ 5

(e) remains the same.

(i) ~~self-contained report~~ 60

~~(ii) summary appraisal report~~ 20

~~(iii) (ii) restricted use appraisal report~~ 20

(f) remains the same.

(i) ~~self-contained report~~ 60

(ii) summary appraisal report	20
(iii) (ii) restricted use appraisal report	20
(g) remains the same.	
(i) self-contained report	100
(ii) summary appraisal report	50
(iii) (ii) restricted use appraisal report	50
(h) remains the same.	
(i) self-contained report	120
(ii) summary appraisal report	60
(iii) (ii) restricted use appraisal report	60
(i) remains the same.	
(i) self-contained report	70
(ii) summary appraisal report	35
(iii) (ii) restricted use appraisal report	35
(j) remains the same.	
(i) self-contained report	120
(ii) summary appraisal report	60
(iii) (ii) restricted use appraisal report	60
(k) remains the same.	
(i) self-contained report	70
(ii) summary appraisal report	35
(iii) (ii) restricted use appraisal report	35
(l) remains the same.	
(i) self-contained report	120
(ii) summary appraisal report	60
(iii) (ii) restricted use appraisal report	60
(m) remains the same.	
(i) self-contained report	180
(ii) summary appraisal report	60
(iii) (ii) restricted use appraisal report	60
(n) remains the same.	
(i) self-contained report	180
(ii) summary appraisal report	60
(iii) (ii) restricted use appraisal report	60
(10) (9) Review appraisals Appraisal review reports that do not contain the reviewer's opinion of value will be allowed a maximum 1/3 one-third of the allotted time found in (9) (8).	

~~(11) (10) The board may provide a variance from the hourly standards provided in (9) (8) and (10) (9). To be considered for such a variance, an applicant must submit a written request for a variance supported by documentation, which demonstrates the need for additional credit hours.~~

AUTH: 37-1-131, 37-54-105, 37-54-303, MCA
IMP: 37-1-131, 37-54-105, 37-54-202, 37-54-303, MCA

REASON: The board concluded it is reasonably necessary to delete (1) due to changes in terminology used in the appraisal business, the USPAP, and AQB

criteria. The board is amending renumbered (2) to require that trainee's contributions to the appraisal process are adequately described in the appraisal report itself. This change will ensure that the trainee actually completed the work claimed on the trainee's experience log and will allow the board to better evaluate the trainee's contributions to the report.

The board is amending renumbered (4)(d) to require that the trainee properly authenticate the log with a signature and the trainee's license number. This will discourage application fraud. The proposed amendments for (4)(e) are intended to clarify the meaning of the "number of work hours" on applicants' logs. The amended language in (4)(f) will ensure that the qualifying experience meets AQB criteria, because the mentor must describe the level of supervision provided to the trainee.

The board is eliminating (5)(g) as it is redundant with the proposed amendments to renumbered (2). The board is amending renumbered (8) to update language to reflect changes in USPAP. The proposed amendments to renumbered (9) are intended to clarify that applicants cannot claim appraisal review experience for more than half of their qualifying experience.

24.207.510 SCOPE OF PRACTICE (1) Real property appraisers must adhere to a specific scope of practice and must comply with the ~~competency provision of Uniform Standards of Professional Appraisal Practice (USPAP),~~ including, but not limited to, the ethics and competency rules.

(a) The licensed real ~~property estate appraiser~~ classification ~~applies~~ authorizes the licensee to the engage in appraisal assignments of noncomplex one- to four-unit residential units properties having a market value less than \$1,000,000 and complex one to four residential units having a market value less than \$250,000. A "complex one- to four-unit single family residential appraisal" means an appraisal for which the property to be appraised, the form of ownership, the property characteristics, or the market conditions are atypical.

(i) The licensed real ~~property estate appraiser~~ classification authorizes the licensee to engage in appraisal assignments of vacant or unimproved land that is utilized for one- to four-unit, single family residential purposes or for which the highest and best use is for one- to four-unit, single family residential purposes.

(ii) The licensed real ~~property estate appraiser~~ classification ~~appraisal~~ does not include ~~the~~ authorization for a licensee to engage in appraisal assignments of subdivisions for which a development analysis ~~or appraisal~~ is necessary.

(b) The certified residential real ~~property estate appraiser~~ classification ~~applies~~ authorizes the licensee to the engage in appraisal assignments of one- to four-unit residential units properties, without regard to market value or complexity.

(i) The certified residential real ~~property estate appraiser~~ classification ~~includes the~~ authorizes a licensee to engage in appraisal assignments of vacant or unimproved land that is utilized for one- to four-unit, single family residential purposes or for which the highest and best use is for one- to four-unit, single family residential purposes.

(ii) The certified residential real ~~property estate appraiser~~ classification does not include ~~the~~ authorization for a licensee to engage in appraisal assignments of subdivisions for which a development analysis ~~or appraisal~~ is necessary.

(c) ~~The certified general real property estate appraiser classification applies to the appraisal~~ authorizes a licensee to engage in appraisal of all types of real property, without regard to value or complexity.

~~(i) The certified general real property classification includes all types of real property without regard to value.~~

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, 37-54-201, MCA

REASON: The board determined it is reasonably necessary to amend this rule to clarify the meaning and intent of the rule in accordance with scope of work classifications used by federal regulators, including the appraisal subcommittee.

24.207.517 TRAINEE REQUIREMENTS (1) remains the same.

(2) A trainee shall be under the direct supervision of at least one ~~appraiser~~ board-approved mentor. A trainee may have more than one mentor.

(3) and (4) remain the same.

(5) All qualifying ~~appraisals~~ appraisal assignments performed by a trainee must meet USPAP standards.

(6) ~~After Beginning with the trainee's original trainee~~ licensing year, a trainee shall meet continuing education requirements established by rule. Qualifying education may be used to meet the continuing education requirements, with the additional requirement to take the seven-hour USPAP update course within each education cycle.

(7) A trainee may not perform qualifying experience without a board-approved mentor.

(8) through (10) remain the same.

(11) All qualifying education must be completed within the five-year period prior to the date of submission of an application for a trainee license.

(12) A trainee shall complete a course that, at a minimum, complies with the specifications for course content established by the AQB. The course will be oriented toward the requirements and responsibilities of mentors and trainees and must be completed by the trainee prior to obtaining a trainee license and completed by the trainee's mentor prior to the mentor's supervision of the trainee.

(11) remains the same, but is renumbered (13).

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, 37-54-201, 37-54-202, 37-54-303, 37-54-403, MCA

REASON: The board is amending (6) to clarify that trainees are required to complete continuing education within their initial year of licensure in accordance with the AQB criteria. The board is adding (11) and (12) to comply with the 2015 AQB criteria.

24.207.518 MENTOR REQUIREMENTS (1) remains the same.

- (a) be a certified residential or certified general appraiser for a minimum of ~~two~~ three years;
- (b) remains the same.
- (i) a mentor shall make application on forms ~~approved~~ provided by the board, and submit two appraisal reports prepared by the mentor in accordance with ~~Uniform Standards of Professional Appraisal Practice (USPAP)~~ standards with all three approaches to value;
- (ii) and (iii) remain the same.
- (c) ~~have a minimum of two years appraisal experience as a certified appraiser;~~
- (~~d~~) (c) be in good standing with the board, and not currently hold a probationary license with the board, and may not have been subject to any disciplinary action within any jurisdiction within the past three years that affects the mentor's legal ability to engage in appraisal practice;
- (e) remains the same, but is renumbered (d).
- (~~f~~) (e) be responsible for and must provide direct supervision of all appraisal work assignments performed by the trainee in accordance with the USPAP standards;
- (~~g~~) (f) review and sign each page of the activity experience log prescribed by the board of their trainee with their name and license number, certifying its accuracy;
- (h) remains the same, but is renumbered (g).
- (~~h~~) (h) prior to allowing the trainee to perform an appraisal assignment with limited supervision, the mentor shall evaluate the competency of the trainee after the first 50 properties. The mentor must determine that the trainee is competent to perform an appraisal assignment within the minimum criteria of USPAP, with limited supervision. Failure to provide adequate supervision is unprofessional conduct according to 37-1-316, MCA;
- (j) remains the same, but is renumbered (i).
- (~~k~~) (i) be limited to mentoring trainees in areas where the mentor is competent to perform ~~appraisals~~ appraisal assignments.
- (2) remains the same.
- (3) Any and all disciplinary actions against ~~your~~ a mentor's appraiser license in any state where licensure is held must be disclosed for board review in writing to the board within five days of receiving notification of the disciplinary action.
- (4) and (4)(a) remain the same.
- (b) the trainee has completed a minimum of 50 appraisal assignments related to properties that were personally inspected by ~~a licensee who was an~~ approved to be a mentor for the trainee at the time of the assignment and inspection;
- (c) the mentor has evaluated all appraisal activity the trainee completed under the mentor's supervision, including the appraisal assignments involving properties which the mentor inspected with the trainee;
- (d) on the basis of the mentor's evaluation of the appraisal assignments completed, while the trainee was under the mentor's supervision, the mentor has determined that the trainee is competent to perform appraisal assignments within the minimum criteria of USPAP, with limited supervision by the mentor; and
- (e) the mentor and trainee request and receive approval from the board to allow the trainee to complete appraisal assignments with limited supervision.

(5) A mentor shall complete a course that, at a minimum, complies with the specifications for course content established by the AQB. The course will be oriented toward the requirements and responsibilities of mentors and trainees and must be completed by the mentor prior to the mentor's supervision of a trainee.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-105, 37-54-201, 37-54-202, 37-54-301, 37-54-403, 37-54-411, MCA

REASON: The board determined it is reasonably necessary to amend (1)(a) and renumbered (c) to comply with the revised 2015 AQB criteria. The board is also striking (1)(c) and adding new (5) to comply with the 2015 AQB criteria.

The appraisal subcommittee informed the board that it is necessary to amend renumbered (1)(f) to comply with AQB requirements. The board is amending (3) to set a standard for mentors to report discipline by other jurisdictions. This is necessary to align with federal standards that supervisory appraisers are not subject to discipline within the last three years that affects their legal eligibility to engage in appraisal practice.

24.207.1507 APPRAISAL MANAGEMENT COMPANY RECORD-KEEPING REQUIREMENTS (1) through (1)(j) remain the same.

(k) documentation of the annual appraisal ~~review of work~~ reviews of all the panel appraisers, who performed ~~appraisals~~ appraisal assignments for the appraisal management company, on a periodic basis to verify ~~appraisals~~ appraisal assignments are being conducted in accordance with ~~Uniform Standards of Professional Appraisal Practice~~ the USPAP.

(2) remains the same.

AUTH: 37-1-131, 37-54-105, MCA

IMP: 37-1-131, 37-54-501, 37-54-503, 37-54-504, 37-54-505, 37-54-506, 37-54-508, 37-54-509, 37-54-510, 37-54-511, 37-54-512, 37-54-513, 37-54-515, 37-54-516, MCA

REASON: The board is amending this rule to enhance clarity and for consistency with terminology used in other board rules.

24.207.1509 AMC AUDIT REQUIREMENTS (1) through (2)(a) remain the same.

(b) name and license number of each Montana licensed or certified appraiser who performed an appraisal review ~~for~~ of an appraisal report in the 12 months preceding renewal, ~~submitted to the company in Montana~~ as part of the company's system or process pursuant to 37-54-511, MCA, ~~and his or her license number~~; and

(c) through (c)(ii) remain the same.

(iii) name and license number of appraiser who performed the appraisal review.

(3) through (5) remain the same.

AUTH: 37-54-105, MCA

IMP: 37-54-506, 37-54-512, 37-54-513, MCA

REASON: The board determined it is reasonably necessary to amend and clarify this rule because some of the previously audited appraisal management companies were not aware of the obligation in 37-54-506, MCA, that appraisal reviews of appraisals performed in Montana are required to be performed by individuals who are licensed in Montana. Amending the rule to require the appraisal management company to provide the Montana license number of the reviewing appraiser should improve compliance with the statutory requirement.

24.207.2101 CONTINUING EDUCATION (1) remains the same.

(2) An examination ~~shall~~ may not be required.

(3) and (4) remain the same.

(5) Every other renewal year, licensees must complete at least 28 hours of instruction in courses or seminars approved by the board, at least seven hours of which must be the national ~~Uniform Standards of Professional Appraisal Practice (USPAP)~~ update course. No online or alternative USPAP courses will be accepted.

(6) and (7) remain the same.

(8) Education completion certificates must be retained and available for audit for a period of five years, according to the record-keeping requirements of the USPAP.

(9) Appraisers must successfully complete the seven-hour national USPAP update course or its AQB-approved equivalent every two calendar years. Equivalency shall be determined through the AQB course approval program.

AUTH: 37-1-131, 37-1-319, 37-54-105, 37-54-303, MCA

IMP: 37-1-131, 37-1-306, 37-54-105, 37-54-303, 37-54-310, MCA

REASON: The board is amending (2) to allow course providers to include an examination following the course and allow such courses with examinations to be considered qualifying education for continuing education purposes. The board determined it is necessary to add (9) to comply with AQB continuing education requirements.

24.207.2102 CONTINUING EDUCATION NONCOMPLIANCE (1) Failure to comply with the completion or reporting requirements established by the board within 20 days of the written request is unprofessional conduct and ~~will~~ shall result in disciplinary action by the board.

(2) Failure to comply with continuing education requirements mandated by the ~~Appraiser Qualifications Board (AQB)~~ will shall be reported to the Appraisal Subcommittee (ASC) National Registry Compliance Database.

AUTH: 37-1-136, 37-1-319, 37-54-105, MCA

IMP: 37-1-131, 37-1-136, MCA

REASON: The board concluded it is reasonably necessary to amend (1) and add a deadline for compliance with requests for information about continuing education. The board determined that this will aid the board in determining when a response is untimely and allow the continuing education audit to proceed in an orderly manner and at a reasonable pace.

5. The proposed new rules provide as follows:

NEW RULE I UNPROFESSIONAL CONDUCT (1) In addition to other unprofessional conduct provisions contained in the statutes and rules administered by the board, the following are also considered unprofessional conduct:

- (a) failing to comply with any request from the board or its designee;
- (b) failing to provide information requested by the board or its designee in relation to an audit, investigation, or complaint; or
- (c) failing to comply with the continuing education, reporting, or renewal requirements.

(2) In addition to a complaint and possible disciplinary action, in the event of any failure to respond to a request from the board or failure to comply with the continuing education requirements, notification to the ASC's national registry of suspension to perform federally related transactions may occur until the licensee fully complies with the request.

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-54-105, MCA

IMP: 37-1-131, 37-1-137, 37-1-141, 37-1-306, 37-1-307, 37-1-312, 37-1-316, 37-1-319, 37-54-105, MCA

REASON: The board determined it is necessary to define certain acts, in addition to failing to adhere to standards of conduct, that are unprofessional conduct, because they interfere with the board's ability to regulate the profession and effectively monitor compliance with board requirements. Additionally, the board has seen an increase in the number of licensees who fail to respond to board requests for information.

NEW RULE II UNPROFESSIONAL CONDUCT FOR APPRAISAL MANAGEMENT COMPANIES (1) In addition to other unprofessional conduct provisions contained in the statutes and rules administered by the board, the following are also considered unprofessional conduct for appraisal management companies:

- (a) failing to comply with any request from the board or its designee;
- (b) failing to provide information requested by the board or its designee in relation to an audit, investigation, or complaint; or
- (c) violating any of the appraiser independence prohibitions found in 37-54-514, MCA.

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-54-105, MCA

IMP: 37-1-131, 37-1-137, 37-1-307, 37-1-312, 37-1-316, 37-1-319, 37-54-105, 37-54-512, 37-54-514, MCA

REASON: The board determined it was necessary to define certain acts, in addition to statutory violations, that are unprofessional conduct for appraisal management companies. These acts interfere with the board's ability to regulate appraisal management companies and effectively monitor compliance with board requirements. The board has also seen an increase in the number of appraisal management companies that fail to respond to board requests for information.

6. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdua@mt.gov, and must be received no later than 5:00 p.m., December 5, 2014.

7. An electronic copy of this notice of public hearing is available at www.realestateappraiser.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

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

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

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.207.517 and 24.207.518 will significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.207.401, 24.207.403, 24.207.404, 24.207.406, 24.207.408, 24.207.501, 24.207.502, 24.207.503, 24.207.504, 24.207.505,

24.207.506, 24.207.507, 24.207.508, 24.207.509, 24.207.510, 24.207.1507, 24.207.1509, 24.207.2101, and 24.207.2102 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULES I and II will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Real Estate Appraisers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsrea@mt.gov.

11. Don Harris, attorney, has been designated to preside over and conduct this hearing.

BOARD OF REAL ESTATE APPRAISERS
THOMAS STEVENS, CERTIFIED
GENERAL APPRAISER, CHAIRPERSON

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 27, 2014

BEFORE THE BOARD OF SPEECH-LANGUAGE PATHOLOGISTS
AND AUDIOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.222.401 fees) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On December 1, 2014, at 10:00 a.m., a public hearing will be held in the Small Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Speech-Language Pathologists and Audiologists no later than 5:00 p.m., on November 24, 2014, to advise us of the nature of the accommodation that you need. Please contact Cyndi Reichenbach, Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdspl@mt.gov (board e-mail).

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

24.222.401 FEES (1) Fees are payable to the ~~Board of Speech-Language Pathologists and Audiologists~~ board. The board assumes no responsibility for loss in transit of such remittances. All fees are nonrefundable.

(2) The board has established the following fees:

- (a) ~~Application~~ Combined application and original license fee for speech-language pathologist and/or audiologist \$ ~~50~~ 350
- (b) ~~Original license fee for speech-language pathologist and/or audiologist~~ 50
- (c) Renewal fee for speech-language pathologist and/or audiologist 400 200
- (d) Placement or renewal of a license on inactive status for a speech-language pathologist and/or audiologist 50 100

(e) and (f) remain the same but are renumbered (d) and (e).

(3) remains the same.

AUTH: 37-1-134, 37-15-202, MCA

IMP: 37-1-134, 37-1-141, 37-15-307, MCA

REASON: The board has determined that it is reasonably necessary to make the proposed fee changes to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with program costs. In providing administrative services to the board, the department has determined that unless the licensure and renewal fees are increased as proposed, the board will have a shortage of operating funds by the 2015 licensure renewal period. The board estimates that approximately 522 persons will be affected by the proposed fee changes, resulting in a \$59,300 increase in annual revenue. The board last increased fees in 2002.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdspl@mt.gov, and must be received no later than 5:00 p.m., December 5, 2014.

5. An electronic copy of this notice of public hearing is available at www.slpaud.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

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

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 board has determined that the amendment of ARM 24.222.401 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Speech-Language Pathologists and Audiologists, 301 South

Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; facsimile (406) 841-2305; or e-mail dlibsdslp@mt.gov.

9. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

Board of Speech-Language Pathologists
and Audiologists
Lynn Harris, AuD, Chair

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 27, 2014

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.2.405 pertaining to)	AMENDMENT
department of livestock)	
miscellaneous fees)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On December 8, 2014, the Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. December 1, 2014, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

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

32.2.405 DEPARTMENT OF LIVESTOCK MISCELLANEOUS FEES

(1) through (1)(a)(ix) remain the same.

(x) trichomoniasis tags (5)

~~5.75~~ 6.45

(xi) trichomoniasis tags (10)

~~11.50~~ 12.90

(xii) through (2) remain the same.

AUTH: 81-1-102, 81-22-102, MCA

IMP: 81-3-107, 81-3-205, 81-3-211, 81-8-304, 81-9-112, MCA

REASON: The department proposes to amend the rule to balance the fees for trichomoniasis tags ordered in bundles of 5, 10, and 25. Currently, bundles of 5 and 10 tags have a lower fee per tag (\$1.25/tag) than bundles of 25 tags (\$1.29/tag). The fee disparity provides an incentive for producers to order a greater number of smaller bundles rather than a lesser number of large bundles. Tags are received by the department in bags of 25, which must be opened and repackaged to create bundles containing 5 and 10 tags, thus increasing the department's workload and expense for smaller bundles. The proposed amendment would balance the fees for all bundles and is expected to reduce the department's workload and expenses.

The department proposes to amend the above-stated rule to ensure fees are commensurate with the costs as required by 81-1-102(2), MCA.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov and must be received no later than 5:00 p.m. December 4, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. December 4, 2014.

6. If the department 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 3 persons based on a total of 30 producers out of 110 producers that request bundles of less than 25 trichomoniasis tags.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this department. 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 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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 rule will not significantly and directly impact small businesses.

/s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State October 27, 2014.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.86.2901, 37.86.2905, and) PROPOSED AMENDMENT
37.86.2918 pertaining to changes to)
Medicaid inpatient hospital services)

TO: All Concerned Persons

1. On December 1, 2014, at 1:30 p.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 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 November 24, 2014, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, 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 rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.86.2901 INPATIENT HOSPITAL SERVICES, DEFINITIONS (1) through (28) remain the same.

(29) "Long-acting reversible contraceptives (LARCs)" means intrauterine devices and contraceptive implants that provide long-acting reversible contraception.

(29) through (47) remain the same, but are renumbered (30) through (48).

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

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, 53-6-141, 53-6-149, MCA

37.86.2905 INPATIENT HOSPITAL SERVICES, GENERAL REIMBURSEMENT (1) through (4) remain the same.

~~(5) The Medicaid statewide average PPS inpatient cost to charge ratio including capital expenses is 52%.~~

~~(6) The Medicaid statewide average cost based inpatient cost to charge ratio including capital expenses is 53%.~~

(5) All PPS inpatient and outpatient hospital services that occur during an inpatient stay are included in the APR-DRG grouper except:

(a) dialysis services; and

(b) long-acting reversible contraceptives (LARCs) inserted at the time of delivery.

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

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, 53-6-141, MCA

37.86.2918 INPATIENT HOSPITAL, READMISSIONS, PARTIAL ELIGIBILITY, OUTPATIENT BUNDLING, AND TRANSFERS FOR PROSPECTIVE PAYMENT SYSTEM (PPS) FACILITIES

(1) All readmissions occurring within 30 days will be subject to review to determine whether additional payment as a new APR-DRG or as an outlier is warranted. As a result of the readmission review, the following payment changes will be made:

(a) through (d) remain the same.

(e) ~~All hospital inpatient and outpatient services except dialysis services are included in the APR-DRG payment.~~ Services that are performed at a second hospital because the services are not available at the first hospital (e.g., a CT scan) are included in the first hospital's payment. This includes transportation to the second hospital and back to the first hospital. Arrangement for payment to the transportation provider and the second hospital where the services were actually performed must be between the first and second hospital and the transportation provider.

(2) through (4) remain the same.

AUTH: 2-4-201, 53-2-201, 53-6-113, MCA

IMP: 2-4-201, 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing amendments to ARM 37.86.2901, 37.86.2905, and 37.86.2918 regarding inpatient hospital services. These rules are regarding the unbundling of the insertion of long-acting reversible contraceptives (LARCs) at the time of delivery from the APR-DRG payment, and to remove the information regarding Medicaid statewide inpatient cost-to-charge ratios for prospective payment systems (PPS) and cost-based facilities, as they no longer are used.

The Center for Medicaid & CHIP Services (CMCS), the U.S. Department of Health and Human Services Secretary's Advisory Committee on Infant Mortality (SACIM), the Health Resources and Services Administration, and the American Congress of Obstetricians and Gynecologists all recommend the use of LARCs at the time of delivery. According to the National Survey of Family Growth, 51 percent of pregnancies in the United States are unintended. Mistimed, unplanned, or unwanted pregnancies are associated with an increased risk of poor health outcomes for mothers and babies, including delayed access to prenatal care, preterm birth, and negative physical and mental health effects. LARCs require no user intervention, they work over long periods, they are highly effective, and they are reversible.

The current inpatient payment methodology for PPS hospitals does not increase payment for a delivery when a LARC is inserted at the time of delivery, hindering the availability to members.

Montana Medicaid no longer uses statewide inpatient cost-to-charge ratios for PPS facilities or cost-based facilities. Hospital-specific cost-to-charge ratios are now used.

ARM 37.86.2901

The department is proposing to add a new definition of long-acting reversible contraceptive (LARCs) and adjust the numbering throughout the rule.

ARM 37.86.2905

The department is proposing to remove information regarding Medicaid statewide average PPS inpatient cost-to-charge ratio. The department is proposing to add information regarding services that are not included in the APR-DRG payment during an inpatient stay. These services include dialysis and long-acting reversible contraceptives inserted at the time of delivery. The department is also removing information regarding Medicaid statewide cost-based inpatient cost to charge ratio.

ARM 37.86.2918

The department is proposing to remove the first sentence of (1)(e) regarding all hospital services except dialysis; this is being moved to ARM 37.86.2905.

Fiscal Impact

We expect the cost of paying for long-acting reversible contraception to be fully offset by the anticipated decrease in the number of unplanned pregnancies that Medicaid will pay for in the future. No fiscal impact is expected from other changes to these rules.

5. The department intends to apply these proposed rule amendments on January 1, 2015.

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: Kenneth Mordan, 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., December 4, 2014.

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. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

11. 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/ Geralyn Driscoll
Geraldyn Driscoll, Attorney
Rule Reviewer

/s/ Richard H. Opper
Richard H. Opper, Director
Public Health and Human Services

Certified to the Secretary of State October 27, 2014.

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

In the matter of the adoption of New Rules I through XXVIII pertaining to the supports for community working and living 1037 home and community services waiver program) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION

TO: All Concerned Persons

1. On December 1, 2014, at 3:00 p.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 adoption 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 November 24, 2014, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, 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 rules as proposed to be adopted provide as follows:

NEW RULE I SUPPORTS FOR COMMUNITY WORKING AND LIVING 1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: SELF-DIRECTED SERVICES, DEFINITIONS As used in this subchapter the following terms apply:

(1) "Agency with choice" means a provider agency that is the legal entity under a contract with the Developmental Disabilities Program (DDP) to administratively undertake tax and labor law compliance responsibilities relating to the delivery of direct care services on behalf of a member receiving services who is authorized by the DDP to select and direct the staff who deliver those services. A member receiving services manages the scheduling, orienting, instructing, supervising, evaluating, and work records of the direct care staff. The contracted agency is responsible for the following duties as they pertain to a member's staff:

- (a) compiles records necessary for the reporting and payment of wages and benefits;
- (b) calculates, withholds, and pays federal and state taxes;
- (c) calculates and pays wages and benefits;
- (d) arranges for workers' compensation coverage; and
- (e) undertakes all other necessary activities.

(2) "Developmental disabilities program (DDP)" means the program of services within the Department of Public Health and Human Services that is responsible for state-funded services to members with developmental disabilities.

(3) "Employer authority" means a member receiving services or their legal representative who is responsible for all aspects of hiring and managing staff and service documentation requirements. A member or their legal representative acting as an employer must engage an FMS to ensure compliance with all employment, tax, and other applicable law.

(4) "Financial management service (FMS)" means a person or entity acting as the fiscal agent for a member while engaged in the self-direction of services, and acting as the employer of the direct care staff serving a member. The FMS educates a member as to their responsibilities, processes employment paperwork, administers necessary pre-employment screening, and processes employee timesheets. The FMS must withhold and pay all employment related taxes and obtains workers' compensation for a member's employees.

(5) "Integrated community employment" means full- or part-time paid work, based upon a member's identified needs and interests in the community that generally involves regular contact with people without disabilities. There are three models of integrated community employment:

- (a) individual competitive employment;
- (b) individual supported employment; and
- (c) group supported employment.

(6) "Member" means a person eligible for and enrolled as a participant in the Montana Medicaid program.

(7) "1037 waiver services" means the "Supports for Community Working and Living 1037 Home and Community Services Waiver," as described in 42 USC 1396n(c) and 42 CFR 441.300 through 441.310, pertaining to members with developmental disabilities self-directing their working and living services in community settings.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE II SUPPORTS FOR COMMUNITY WORKING AND LIVING

1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: SELF-

DIRECTED SERVICES, REQUIREMENTS (1) A member living in a natural home or private residence who is enrolled in 1037 waiver services may elect to self-direct some or all of their waiver services through either:

- (a) an agency with choice; or
- (b) employer authority.

(2) In order to self-direct services, a member must live in their natural home or private residence where their choice of services, support worker, and schedule for delivery of service has no adverse effect on other persons receiving waiver services.

(3) If a member is no longer able or willing to self-direct services they may elect to:

- (a) terminate 1037 waiver services funded through the DDP; or
- (b) enroll in a different DDP home and community services waiver.

(4) A member who chooses not to participate in self-directed services must contact their case manager to initiate enrollment in an appropriate home and community services waiver and schedule a planning meeting.

AUTH: 53-6-113, 53-6-402, MCA
IMP: 53-6-101, 53-6-402, MCA

NEW RULE III SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: AUTHORITY

(1) The department has been granted authority by the United States Department of Health and Human Services (HHS), under 42 USC 1396n(c) and 42 CFR 441.300 through 441.310, to provide Medicaid home and community-based services to persons with developmental disabilities who can benefit from self-directing their working and living services in community settings. HHS has granted the department, by agreement, authority to administer 1037 waiver services. These rules implement 1037 waiver services for persons who are eligible for such waiver services.

(2) In accordance with federal and state law, the federal-state agreement governing the provision of Medicaid-funded home and community waiver services to be delivered through 1037 waiver services, and within the fiscal limitations of funding appropriated and available for 1037 waiver services, the department may determine, within its discretion, the following features of 1037 waiver services:

- (a) the types of services to be available;
- (b) the amount, scope, and duration of the services;
- (c) the target population;
- (d) individual eligibility; and
- (e) delivery methodology.

AUTH: 53-6-113, 53-6-402, MCA
IMP: 53-6-101, 53-6-402, MCA

NEW RULE IV SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: GENERALLY

(1) Services and selection for 1037 waiver services are available only to the extent granted by federal approval and which available funding allows.

(2) The department, in order to comply with federal requirements, or to control expenditures within available funding, may:

- (a) reduce the number of members that may be served under 1037 waiver services;
- (b) postpone or waive implementation of a particular service under 1037 waiver services; or
- (c) eliminate one or more of the services under 1037 waiver services.

AUTH: 53-6-113, 53-6-402, MCA
IMP: 53-6-101, 53-6-402, MCA

NEW RULE V SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: ELIGIBILITY

(1) A determination that a person is eligible to be considered for acceptance into 1037 waiver services does not entitle the person to selection and entry into the waiver.

(2) A person is eligible to be considered for acceptance into 1037 waiver services if the person:

(a) is determined by the DDP to be a person with a developmental disability in accordance with the criteria specified and approved in the 1037 waiver services agreement entered into with the Centers for Medicare and Medicaid Services and in accordance with ARM 37.34.201;

(b) applies for and meets the applicable Medicaid financial eligibility requirements found in ARM Title 37, chapter 82; and

(c) requires the level of care provided in an intermediate care facility for members with intellectual disability (ICF/IID), as determined by the DDP.

(3) The level of care provided by an ICF/IID facility is needed when a member who is intellectually disabled:

(a) has severe medical problems requiring substantial care, but not to the extent that habilitation is impossible;

(b) has extreme deficits in self-care and daily-living skills which require intensive training;

(c) has significant maladaptive social, interpersonal, or both behavior patterns which require an ongoing, supervised program of intervention; or

(d) has specialized service needs, and exhibits physical or mental limitations or changes similar to those expected in an older person.

(4) The following documents must be submitted to the department's eligibility specialist to make a determination of eligibility for acceptance into 1037 waiver services:

(a) a Vineland II;

(b) a current psychological evaluation, which for adults, is no more than ten years old; and

(c) page one of the eligibility determination form.

(5) "The Determining Eligibility for Services to Persons with Developmental Disabilities in Montana: A Staff Reference Manual," as adopted in ARM 37.34.201, sets forth the eligibility requirements for the DDP's services.

(6) Upon determination of a member's ineligibility:

(a) if the member is on the statewide waiting list, their name will be removed from the waiting list; or

(b) if the member is currently receiving 1037 waiver services, the services will be terminated ten days from the date of the ineligibility notification letter.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE VI SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: SELECTION

AND ENTRY (1) A member may be placed on the statewide waiting list for consideration for selection and entry into 1037 waiver services if:

- (a) the member is found eligible in accordance with [NEW RULE V];
- (b) the member is age 16 or older;
- (c) the member's needs can be met for \$20,000 or less;
- (d) the member or their representative is willing and able to self-direct all services; and
- (e) the member is willing to achieve paid employment in an integrated community setting, by the third year of enrollment in 1037 waiver services.

(2) A member is placed on the statewide waiting list on the date the member's case manager submits a waiting list entry change form to the appropriate DDP regional office.

(3) The department provides 30 days for an interested party in 1037 waiver services to submit a referral packet which must include:

- (a) waiting list entry change form;
- (b) the Montana Individual Resource Allocation Protocol or an estimated cost plan in addition to the MONA if the member's MONA is over \$20,000;
- (c) a social history completed within the past 365 days; and
- (d) a skills assessment completed within the past 365 days.

(4) Referral packets are scored by a screening committee with priority given to:

- (a) length of time on waiting list;
- (b) age 16 and older with a current Individualized Education Plan (IEP); and
- (c) evidence of work interest.

(5) The selection for consideration of more than one member with the same score is made by the department through a random selection process.

(6) A DDP designee notifies a member selected for entry into 1037 waiver services and the member's case manager, in writing, within ten working days of selection into the waiver.

(7) Within ten working days from the date of the notification letter, a DDP designee delivers to a selected member a list of appropriate 1037 waiver services available to the member and documents the member's choice.

(8) When a member chooses to self-direct with employer authority:

- (a) the member must begin enrolling with the contracted FMS within 15 working days from the date of the selection letter; and
- (b) services must begin within 45 working days of completion of the enrollment process unless additional time is prior approved by a DDP regional manager.

(9) When a member chooses to self-direct with an agency with choice as the member's provider, the member's case manager documents the choice and within 15 working days from the date of the selection letter the case manager submits to the provider:

- (a) a referral packet;
- (b) a plan of care; and
- (c) any other requested information.

(10) A provider must contact the DDP designee within 15 working days from the date the provider service referral packet is submitted to the provider and either accept or decline to offer service to the member.

(11) A member must determine from which provider they will accept services within five working days following the offer.

(12) The case manager must:

- (a) document the member's choice of provider;
- (b) obtain the member's or their legal representative's signature; and
- (c) maintain the documentation in the member's file.

(13) Upon acceptance of 1037 waiver services, a member must begin services within 45 working days from the date the provider offers services to the member.

(14) If a member selected for entry into 1037 waiver services cannot find a provider able or willing to provide services within 90 days from the date of the selection notification letter, the opening will be considered forfeited unless exempted from forfeiture by a DDP regional manager.

(15) Upon submission of a member's written request for an extension of time to locate a provider, a DDP regional manager is authorized to grant an exception, at their discretion, to the timeline described in (14).

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE VII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: AVAILABLE
SERVICES (1) The following services may be provided under 1037 waiver

services:

- (a) adaptive equipment, as provided in [NEW RULE XIII];
- (b) behavioral support, as provided in [NEW RULE XIV];
- (c) environmental modifications, as provided in [NEW RULE XV];
- (d) individual goods and services, as provided in [NEW RULE XVI];
- (e) job discovery, as provided in [NEW RULE XVII];
- (f) job preparation, as provided in [NEW RULE XVIII];
- (g) meals, as provided in [NEW RULE XIX];
- (h) personal emergency response, as provided in [NEW RULE XX];
- (i) personal supports, as provided in [NEW RULE XXI];
- (j) respite, as provided in [NEW RULE XXII];
- (k) supported employment and follow-along support, as provided in [NEW
RULE XXIII];
- (l) supported employment and individual employment support, as provided in
[NEW RULE XXIV];
- (m) supported employment and small group, as provided in [NEW RULE
XXV];
- (n) supported employment and coworker support, as provided in [NEW RULE
XXVI];
- (o) supports brokerage, as provided in [NEW RULE XXVII]; and
- (p) transportation, as provided in [NEW RULE XXVIII].

(2) Services provided to a member through 1037 waiver services are limited to the services specified in the member's individual plan of care and the individual cost plan. The individual cost plan must not exceed \$20,000.

(3) Services available through the Medicaid state plan may only be provided as home and community waiver services if the required services exceed or are different from the services available in the Medicaid state plan.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE VIII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: PROVIDER
REQUIREMENTS

(1) The criteria for a qualified provider to deliver a service available through 1037 waiver services are specified in the Provider Specifications for Services Matrix for 1037 waiver services.

(2) The Provider Specifications for Services Matrix for 1037 waiver services, dated December 12, 2014, sets forth the qualifications and standards that govern provider requirements in the provision of 1037 waiver services.

(3) The department adopts and incorporates by reference the Provider Specifications for Services Matrix for 1037 waiver services dated June 24, 2014.

(4) A copy of the matrix may be obtained through the Department of Public Health and Human Services, Developmental Disabilities Program, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210 or at <http://www.dphhs.mt.gov/dsd/ddp/medicaidwaivers.shtml>.

(5) If not utilizing the College of Direct Supports curriculum, a provider or employer must document the completion of training in the personnel file of the staff or in the provider's staff training file including:

- (a) the date of the training;
- (b) name and title of trainer;
- (c) name and signature of the persons receiving the training;
- (d) type of training;
- (e) the agenda of the training; and
- (f) hours of training.

(6) Any facility providing services must meet all applicable licensing requirements and fire and safety standards.

(7) A person directly providing services to a member must be mentally and physically capable of assisting the member receiving services as required by the DDP.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE IX SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM:

REIMBURSEMENT (1) Reimbursement for the provision of services or items funded through 1037 waiver services is available in accordance with criteria and procedures in ARM 37.34.3001 and 37.34.3002.

(2) The rates of reimbursement for particular types of services and items that may be funded through 1037 waiver services are established in accordance with ARM 37.34.3005.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE X SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: TERMINATION
OF ENROLLMENT

(1) The department may terminate a member's enrollment in 1037 waiver services if the member does not meet the eligibility requirements, in accordance with this subchapter.

(2) The department may terminate a member's enrollment if:

- (a) the services or funding necessary to implement the member's service plan are unavailable;
- (b) the professional or other services necessary to implement the member's service plan are unavailable;
- (c) the member does not cooperate in the eligibility determination process;
- (d) the member does not participate in planning for service delivery;
- (e) services are no longer appropriate or cost efficient for the member's needs and there are no alternative services available by which a service plan can be implemented to provide for the member's needs;
- (f) the member poses imminent risk to the health and safety of another person or themselves by not participating in available services;
- (g) the behaviors of the member precluded the delivery of 1037 waiver services as provided for in the member's service plan;
- (h) behaviors of the member necessitate that the member must be served in a setting that is not available through 1037 waiver services or in which the services of the waiver may not be delivered;
- (i) the health status of the member necessitates that they must be served in a setting that is not available through 1037 waiver services or in which such services may not be delivered; or
- (j) the member does not achieve 10 hours per week (or maximum amount allowed to maintain Medicaid eligibility if less than 10) of integrated community employment by the third year of enrollment in 1037 waiver services.

(3) The department may temporarily increase a member's individual cost plan for up to one year if the member's needs can no longer be met by a \$20,000 individual cost plan and the department determines that the increased needs of the member will not exceed one year.

(4) A member may pursue enrollment in another appropriate waiver if:

- (a) the member is no longer able to or interested in self-directing services;
- (b) the member is no longer interested in integrated community employment;

or

(c) the department determines that the member's increased service needs will exceed one year, as described in (3).

AUTH: 53-6-113, 53-6-402, MCA
IMP: 53-6-101, 53-6-402, MCA

NEW RULE XI SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: FREEDOM OF
CHOICE (1) A member determined by the department to require the level of care
provided in an ICF/IID must be given a choice between placement in an ICF/IID, if
available, or in the department's 0208 Medicaid Home and Community-Based
Services Waiver.

(2) A member or their legal representative must be informed of the feasible
alternatives in the community, if any, available through 1037 waiver services.

(3) The DDP's quality improvement specialist completes the Waiver 5,
Freedom of Choice form with a member during the initial in-person level of care
determination, and documents in the member's file that the member was given the
choice and records the choice.

(4) Case managers must inform a member currently served in 1037 waiver
services annually of feasible alternatives in the community and provide
documentation for the member's case file.

AUTH: 53-6-113, 53-6-402, MCA
IMP: 53-6-101, 53-6-402, MCA

NEW RULE XII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: NOTICE AND
FAIR HEARING (1) A member aggrieved by an adverse determination by the
department may request a fair hearing as provided in ARM Title 37, chapter 5,
subchapter 3.

AUTH: 53-6-113, 53-6-402, MCA
IMP: 53-6-101, 53-6-402, MCA

NEW RULE XIII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: ADAPTIVE
EQUIPMENT (1) Adaptive equipment is equipment that is necessary for a member
to obtain or retain employment or to increase independent functioning in completing
activities of daily living.

(2) Adaptive equipment must:

(a) relate specifically to and be primarily for the member's disability;

(b) have utility primarily for the member who has a disability;

(c) meet the specifications, if applicable, for the equipment set by the
American National Standards Institute (ANSI);

(d) be prior authorized by the department if the cost of the project may
exceed \$4,000; and

(e) be unavailable through any other sources.

AUTH: 53-6-113, 53-6-402, MCA
IMP: 53-6-101, 53-6-402, MCA

NEW RULE XIV SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: BEHAVIORAL
SUPPORT SERVICES

(1) Behavioral support services teach others to carry out ethical and effective behavior interventions based on positive behavior supports. Behavioral support services staff may supervise the work of others who implement behavior interventions.

(2) Behavioral support services may include:

(a) designing behavioral assessments and functional analysis of behavior;

(b) interpreting assessment and evaluation results for staff and unpaid caregivers;

(c) designing, monitoring, and modifying written behavior support intervention procedures;

(d) training staff and unpaid caregivers in the implementation of formal and informal behavioral support procedures; and

(e) attending planning meetings for the purpose of providing guidance and information to plan team persons.

(3) A person providing behavioral support services must meet the requirements of ARM 37.34.1422(2).

(4) A member receiving behavioral supports may only self-direct this service using agency with choice.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XV SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM:
ENVIRONMENTAL MODIFICATIONS

(1) Environmental modifications are those physical adaptations to a member's home or vehicle which are necessary to safeguard the health, welfare, and safety of the member, or which enable the member to function with greater independence and without which they would require institutionalization.

(2) An environmental modification must:

(a) relate specifically to and be primarily for a person with a disability;

(b) have utility primarily for a person who has a disability;

(c) not be an item or modification that a family would normally be expected to provide for a nondisabled family member;

(d) not be in the form of room and board or general maintenance;

(e) meet the specifications, if applicable, for the modifications set by the American National Standards Institute (ANSI); and

(f) be prior authorized by the department if the cost of the project may exceed \$4,000.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XVI SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: INDIVIDUAL
GOODS AND SERVICES

(1) Individual goods and services are services, supports, or goods that enhance opportunities to achieve outcomes related to living arrangements, relationships, and inclusion in the community as identified and documented in the plan of care.

(2) Individual goods and services must fall into one of the following categories:

(a) memberships and fees; or

(b) equipment and supplies.

(3) Individual goods and services must be:

(a) exclusively for the benefit of a member; and

(b) the most cost-effective alternative that reasonably meets the assessed needs of a member.

(4) The service, equipment, or supply must meet a member's medical needs or provide support in order to be independent in daily activities and must meet one of the following criteria:

(a) promotes inclusion in the community;

(b) increases the member's safety in the home environment; or

(c) decreases the need for other Medicaid services.

(5) The cost of the service, equipment, or supply must not compromise a member's health or safety by depleting their individual cost plan to the extent they cannot receive services that provide for their health and safety.

(6) Services, equipment, or supplies which are experimental will not be reimbursed.

(7) A member or their delegate who is self-directing services with employer authority using the FMS must purchase goods and services in accordance with the requirements set forth by the DDP and receive reimbursement from the FMS.

(8) Individual goods and services expected to exceed a \$2,000 annual aggregate limit require prior approval by the DDP regional manager.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XVII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: JOB
DISCOVERY

(1) Job discovery is individual assistance to identify supports and develop employment goals and a career profile or career plan for achieving integrated employment. Career profiles or career plans may be developed through various strategies such as job exploration, job shadowing, informational interviewing, job and task analysis activities, employment preparation, business plan development for self-employment, and volunteerism.

(2) Job discovery is limited to 40 hours of service per year, unless additional hours are prior approved by the DDP.

(3) Job discovery may be provided in conjunction with other employment services.

(4) Agency with choice based services may be provided in:

- (a) a community setting; or
 - (b) a provider site.
- (5) Job discovery must be provided in a community setting with 1:1 staff-to-member ratio. Community settings do not include group work or day areas.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XVIII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: JOB

PREPARATION (1) Job preparation provides formalized training and work experiences, based upon the goals identified during job discovery, intended to teach a member the skills necessary to succeed in a paid competitive, customized, or self-employment setting. Training may also address workplace social skills and the development of practices and behaviors necessary for successful employment.

(2) Job preparation must be primarily for the purpose of habilitation.

(3) If a member has not obtained integrated employment after one year of receiving job preparation, the job discovery process must be repeated.

(4) Job preparation may be provided in conjunction with other employment services.

(5) Job preparation must be provided in a community setting with 1:1 staff-to-member ratio which does not include group work or day areas.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XIX SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: MEALS

(1) Meal services provide hot or other appropriate meals once or twice a day, up to seven days a week, to ensure that a member receives adequate nourishment and to prevent institutional placement.

(2) Meal services may only be provided to a member who is not eligible to receive meals from any other source, or who needs different or more extensive services than are otherwise available.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XX SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: PERSONAL

EMERGENCY RESPONSE SYSTEM (1) Personal emergency response system (PERS) is an electronic device that enables a person to secure help in an emergency. The system is connected to a member's phone and programmed to notify a response center once a help button is activated. The response center is staffed by trained professionals. PERS services may be appropriate for members who live alone, or who are alone for parts of the day, and have no regular caregiver for periods of time. PERS service may be delivered via a cellular phone.

- (2) To access the cellular phone option, a member must:
 - (a) require access to assistance or supports; and
 - (b) frequently be beyond the range of coverage of a PERS system.
- (3) Cellular phone plans must be basic plans and must not include features or applications unrelated to health and safety issues.
- (4) A usage control feature and insurance may be added to the basic phone plan.
- (5) A member must pay for any excess fees and costs that are not approved in the plan of care.
- (6) The case manager must review the cellular phone guidelines with a member upon receipt of the phone and at the annual planning meeting.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XXI SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: PERSONAL
SUPPORTS (1) Personal supports services assist a member in carrying out daily living tasks and other activities essential for living in the community and provide supervision and monitoring to ensure the member's health and safety.

- (2) Personal supports may assist a member with:
 - (a) ensuring the member's health and safety;
 - (b) accessing the community;
 - (c) development of self-advocacy skills;
 - (d) identifying and sustaining a personal support network;
 - (e) household activities necessary to maintain the home-living environment;
 - (f) home maintenance activities;
 - (g) maintaining employment; and
 - (h) accessing opportunities.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XXII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: RESPITE

(1) Respite care is relief services designed to allow family members, who regularly care for a member receiving 1037 waiver services, to be relieved from their caregiver responsibilities in relation to reducing stress generated by the provision of constant care to the member receiving services.

(2) Respite providers must be selected and trained by the parents or legal representatives of a member.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XXIII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: SUPPORTED

EMPLOYMENT, FOLLOW-ALONG SUPPORT (1) Follow-along support consists of habilitation services and supports that enable a member to stabilize or expand employment in a competitive, customized, or self-employment setting.

(2) A member may require follow-along support when:

(a) the member's job is in jeopardy; or

(b) a job promotion opportunity requires more complex, comprehensive, or intensive supports.

(3) Follow-along support may be provided in an extended ongoing manner or intermittently, as needed.

(4) Follow-along support may include:

(a) person-centered employment planning;

(b) job promotion activities;

(c) observation and job support to enhance job task skills;

(d) monitoring at the work site to ascertain the success of the job placement;

(e) job coaching;

(f) follow up with the employer, coworkers, employed member, parents, legal representatives, and others as needed, in order to reinforce and stabilize job placement;

(g) facilitation of natural supports at the work site;

(h) advocating for the member at the employment site;

(i) assistance with management of financial paperwork;

(j) assistance with medication administration considered incidental to the follow-along support; and

(k) application of behavioral intervention programs, when developed and approved according to the positive behavioral support rule.

(5) Follow-along support may be provided in conjunction with other employment services.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XXIV SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: SUPPORTED

EMPLOYMENT, INDIVIDUAL EMPLOYMENT SUPPORT (1) Individual employment supports are habilitation services and staff supports needed by a person to acquire integrated employment or career advancement in the general workforce. Individual employment support is delivered in a competitive, customized, or self-employment setting. The outcome of this service is paid employment in a competitive, customized, or self-employment setting within the general workforce that meets the member's personal and career goals, as documented in the plan of care.

(2) Individual employment supports may include:

(a) person-centered employment planning;

(b) job development;

(c) negotiation with prospective employers;

(d) creating a job description based on a task derived from a single traditional job (job carving);

- (e) job placement;
 - (f) support for career advancement opportunities;
 - (g) job analysis;
 - (h) training, support, coordination, and communication in related skills needed to obtain or retain employment;
 - (i) job coaching;
 - (j) job loss support; and
 - (k) benefit planning support.
- (3) Individual employment supports may be provided in conjunction with other employment services.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XXV SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: SUPPORT
EMPLOYMENT, SMALL GROUP SUPPORT

(1) Small group employment support consists of habilitation services and staff supports needed for groups of two to eight workers with disabilities to acquire and maintain a job or position in the general workforce at or above the state's minimum wage.

(2) Small group employment support must be provided in a manner that promotes integration into the workplace and interaction between people with and without disabilities in those workplaces.

(3) Small group employment support must occur in business settings during the hours typical for the industry.

(4) Small group employment support may include:

- (a) person-centered employment planning;
- (b) job development;
- (c) negotiation with prospective employers;
- (d) creating a job description based on a task derived from a single traditional job, also referred to as job carving;
- (e) job placement;
- (f) support for career advancement opportunities;
- (g) job analysis;
- (h) training, support, coordination, and communication in related skills needed to obtain or retain employment;
- (i) job coaching; and
- (j) benefit planning support.

(5) Small group employment support may be provided in conjunction with other employment services.

(6) A member receiving small group employment support may only self-direct this service using the agency with choice model.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XXVI SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: SUPPORT
EMPLOYMENT, COWORKER SUPPORT

(1) Coworker support service allows the DDP and developmental disabilities provider agencies to contract with a business to provide coworker job supports as a part of the natural workplace. This service differs from supported employment and follow-along support in that it creates opportunity for services and supports to be provided by the employee of a local business where a member is employed. This service is intended to provide ongoing coworker support allowing follow-along support to be decreased.

(2) The purpose of supported employment coworker support is to assist a member to:

- (a) develop positive work-related habits, attitudes, and skills;
 - (b) acquire work etiquette directly related to their specific employment;
 - (c) gain knowledge of the health and safety aspects/requirements of their particular job;
 - (d) assist the member in becoming a part of the informal culture of the workplace;
 - (e) provide job skill maintenance or assistance with incorporating new tasks;
- and

(f) facilitate other supports at the work site.

(3) Coworker support may be provided in conjunction with other employment services.

(4) The employer is reimbursed a daily rate to offset the cost to the employer for providing the supports which may be needed to maintain a person in the job.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XXVII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM: SUPPORTS
BROKERAGE

(1) Supports brokerage services assist a member self-directing service with employer authority in arranging, directing, and managing self-directed services as described in the member's plan of care. The supports broker acts as an agent of a member or their legal representative and is available to assist in identifying immediate and long-term needs, developing options to meet those needs, and accessing identified supports and services.

(2) As determined by the scope and nature of the opportunities afforded to a member receiving 1037 waiver services, supports brokers may provide information regarding the following:

- (a) person-centered planning and how it is applied;
- (b) the range and scope of the choices and options the member has;
- (c) the process for changing the plan of care and the individual budget;
- (d) the grievance process;
- (e) risks and responsibilities of self-direction;
- (f) freedom of choice of providers;
- (g) reassessment and review of schedules; and
- (h) other information pertinent to managing self-directed services.

- (3) The supports broker may assist a member with:
 - (a) defining goals, needs, and preferences;
 - (b) training the member on the material contained in the self-directed employer handbook;
 - (c) day-to-day management of the budget for self-directed services;
 - (d) identifying and accessing services, support, and resources;
 - (e) practical skills training regarding hiring, managing, and terminating employees;
 - (f) problem solving and conflict resolution;
 - (g) development of risk management agreements;
 - (h) development of an emergency backup plan;
 - (i) exercising independent advocacy;
 - (j) completing required forms; and
 - (k) development and maintenance of service documentation.
- (4) Duplicative services are not allowed concurrent with supports brokerage. In instances where activities of the supports broker duplicate the provisions of case management, the plan of care must clearly delineate the responsibilities for performance activities.
- (5) The annual cap for supports brokerage is \$4,000. This value may be exceeded for a limited time period in extraordinary circumstances with prior approval of the DDP.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

NEW RULE XXVIII SUPPORTS FOR COMMUNITY WORKING AND LIVING
1037 HOME AND COMMUNITY SERVICES WAIVER PROGRAM:

TRANSPORTATION (1) Transportation services are those services which enable persons served in 1037 waiver services to gain access to waiver and other community services, activities, and resources.

(2) Transportation may be offered in addition to medical transportation required under 42 CFR 431.53 and transportation services under the state plan, defined at 42 CFR 440.170(a).

(3) Reimbursable transportation expenses may include assistance with reasonable costs related to one or more of the following areas, as determined by the DDP:

- (a) operator training and licensure;
 - (b) insurance; and
 - (c) registration or other costs associated with the member's dependence on the use of a personal vehicle as outlined in the plan of care.
- (4) The following are excluded from transportation services:
- (a) adaptations or improvements to the vehicle that are of general utility, and are not of direct medical or remedial benefit to a member;
 - (b) purchase or lease of a vehicle;
 - (c) regularly scheduled upkeep and maintenance of a vehicle with the exception of upkeep and maintenance of any modifications; and
 - (d) escort services.

(5) Transportation may be provided when required transportation services exceed the Medicaid state plan or are different from the services available in the Medicaid state plan.

(6) Legal representatives and other persons who are not employees of agencies with a DDP contract may be reimbursed for the provision of a member's transportation, at the mileage rate based on the operational expense of a motor vehicle, but such reimbursement does not include:

- (a) reimbursement for work performed;
- (b) the driver's time expended during transportation; or
- (c) transportation not directly related to the specific disability needs of the member, as outlined in the plan of care.

(7) For self-directed services, the FMS may only pay mileage reimbursement upon receiving documentation that transportation was provided in accordance with Montana state requirements for operating a motor vehicle.

(8) Mileage reimbursement through the FMS may be available to the owner of the vehicle when:

- (a) transportation services for a member are for approved community functions;
 - (b) all the requirements for operating a motor vehicle that are required have been met; and
 - (c) the mileage reimbursement provision is approved in the plan of care.
- (9) A person providing transportation services to a member must:
- (a) be 18 years of age or older;
 - (b) have a valid motor vehicle license;
 - (c) maintain liability insurance; and
 - (d) have proof of vehicle registration.

AUTH: 53-6-113, 53-6-402, MCA

IMP: 53-6-101, 53-6-402, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) proposes to adopt New Rules I through XXVIII for the 1915(c) Home and Community-Based Services (HCBS) Program pertaining to the Supports for Community Working and Living 1037 Home and Community Services Waiver Program (1037 Waiver Services).

The department received approval for a 1915(c) HCBS waiver proposal from the Centers for Medicare and Medicaid Services (CMS) on October 1, 2013. The purpose of the 1037 waiver is to establish a program of Medicaid-funded home and community-based services for persons with developmental disabilities who wish to achieve integrated community employment. The proposed Administrative Rules of Montana, New Rules I through XXVIII, are specific for administering the 1037 HCBS Waiver Program.

New Rule I - New Rule II

The department is proposing these rules to provide the definitions of self-directed services. All of the services in these rules are only available by self-direction. These proposed new rules are necessary to provide uniform definitions and the foundational requirements for self-directed services.

New Rule III

The department is proposing this rule in order to outline the federal authority under Section 1915(c) of the Social Security Act, providing each state the option to renew its Medicaid waiver to offer home and community-based services. In addition, the proposed new rule establishes the discretion of the department to manage the various aspects of the 1037 Waiver Services Program in conformance with federal authority and as otherwise determined appropriate by the department. This application of discretion to the 1037 Waiver Services Program is necessary to ensure continuing conformance with the governing federal authority so as to avoid withdrawal of federal approval for the 1037 Waiver Services Program and to avoid federal recoupment for inappropriate expenditures of federal monies.

New Rule IV

The department is proposing this rule because it is the goal of the department to provide services to those in need at the least restrictive levels available and it is the department's contention that focusing services on integrated community employment reduces the risk of placement into an ICF/IID. The 1037 Waiver Services Program provides opportunity for adults with developmental disabilities to maximize their level of independence by providing the opportunity to have more control over their services while focusing on integrated community employment. The state provides services in accordance with Medicaid home and community services standards and available funding. In order to participate in the 1037 Waiver Services Program, the department has no other option but to strictly comply with these regulations or face the loss of the federal funding.

New Rule V

The department is proposing this rule in order to outline the developmental disability eligibility determination requirements for the 1037 Waiver Services Program. This is necessary because a person seeking acceptance into the 1037 Waiver Services Program must first be found to have a developmental disability and must also meet Medicaid financial eligibility requirements.

New Rule VI

The department is proposing this rule in order to outline the process for selection and entry into the 1037 Waiver Services Program. The 1037 Waiver Services Program selection process involves a scoring system awarding available waiver slots to applicants with the highest points. This is necessary in order to describe

how points are awarded and to outline the steps and timelines involved once an individual is selected into waiver services.

New Rule VII

The department is proposing this rule in order to provide an outline of services available under the 1037 Waiver Services Program as approved by CMS. This is necessary to provide a reference guide for providers to assist in identifying services available and locating the corresponding rule.

New Rule VIII

The department is proposing to adopt and incorporate by reference the Provider Specifications for Services Matrix for the 1037 Waiver Services Program, dated December 12, 2014. The matrix conveys the training, licensing, certification, and educational requirements for each service and service provider option. Due to the fact that these requirements vary by service as well as by service providers, the department created the matrix to articulate a large quantity of information in one comprehensive document. This rule is necessary to stipulate current requirements.

New Rule IX

The department is proposing this rule because it specifies the reimbursement for services under the 1037 Waiver Services Program. This rule is necessary to direct a person to the correct location for the rates of reimbursement.

New Rule X

The department is proposing this rule because it is necessary to outline the reasons why the department may terminate a person's placement in the 1037 Waiver Services Program. The 1037 Waiver Services Program has several unique requirements that must be met in order to ensure continuing conformance with the governing federal authority so as to avoid withdrawal of federal approval for the 1037 Waiver Services Program and to avoid federal recoupment for inappropriate expenditures of federal monies. New Rule XI stipulates that if these criteria are not met, a person may transition to the 0208 HCBS Waiver Program.

New Rule XI

The department is proposing this rule because it is necessary to maintain the department's obligation to meet the federal assurance of informing an individual of their freedom of choice, as provided in 42 CFR Section 441.302(d). The department's Waiver-5 Freedom of Choice form is part of the assurances the department attested to in the 1037 HCBS application and therefore must be implemented.

New Rule XII

The department is proposing this rule because it references the administrative rule that defines the responsibilities of the department for appropriate notice to applicants regarding a person's level of care and selection or denial for placement. A person who disagrees with an adverse action relating to services rendered, including such actions as suspension, reduction, or termination of services, the denial of a requested service, or an adverse action resulting from the individual planning process, may appeal the decision through a fair hearing procedure available through the authority of the Montana Administrative Procedure Act.

New Rule XIII - New Rule XXVIII

The department is proposing these rules because they pertain to the particular services available through the 1037 Waiver Services Program and define the available services along with the various requirements pertaining to their utilization. This is necessary to establish the definition and requirements in administrative rule to ensure compliance with CMS approval of the 1037 HCBS waiver application.

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: Kenneth Mordan, 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., December 4, 2014.

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 a person to receive notices and specifies for which program a 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. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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 adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Cary B. Lund
Cary B. Lund
Rule Reviewer

/s/ Richard H. Opper
Richard H. Opper, Director
Public Health and Human Services

Certified to the Secretary of State October 27, 2014.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to the value before reappraisal for agricultural land) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION)

TO: All Concerned Persons

1. On December 2, 2014, at 10 a.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed adoption of the above-stated rule. The conference room is most readily accessed by entering through the east doors of the building.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on November 17, 2014. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I 2015 CALCULATION OF VALUE BEFORE REAPPRAISAL (VBR) FOR AGRICULTURAL LAND (1) For properties that have an agricultural land use classification change from the 2014 base year through tax year 2020, the VBR is calculated. A calculated VBR is the value of the new agricultural land use classification as if the new agricultural land use classification had existed before reappraisal. The department phases in the difference between the calculated VBR and the value of the new agricultural land use classification, in the current cycle, at a rate of 16.66 percent for each year of the revaluation cycle.

(2) An agricultural land use classification change is a dedicated agricultural land use change. A dedicated agricultural land use change is a deliberate change to an existing agricultural land use. For example, a dedicated use change includes a change from grazing to summer fallow or putting additional acreage under irrigation.

(3) The following are not considered an agricultural land use classification change:

(a) The department's updates from the Geographic Information System that result in acreage changes, which are not dedicated agricultural land use changes; or

(b) Incidental fluctuations in agricultural land use due to typical farming practices.

AUTH: 15-1-201, 15-7-101, 15-7-103, MCA

IMP: 15-7-111, MCA

REASONABLE NECESSITY: The department proposes adopting New Rule I to clarify the circumstances when a calculated VBR is necessary for the 2015 reappraisal. The law requires a change in value between reappraisals to be phased in each year of the new reappraisal cycle. Phase-in cannot be implemented for agricultural land use classification changes without calculating a VBR to determine the difference to be phased in. The proposed new rule also identifies that a calculated VBR is not necessary when the department makes updates to property data or when typical farming practices result in incidental changes to a field.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than December 9, 2014.

5. Laurie Logan, Department of Revenue, Director's Office, has been designated to preside over and conduct this hearing.

6. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding a particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

7. An electronic copy of this notice is available on the department's web site at revenue.mt.gov. Select the Administrative Rules link under the Other Resources section located in the body of the homepage, and open the Proposal Notices section within. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

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 adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State October 27, 2014.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
2.59.1738 pertaining to renewal fees for)
mortgage licensees)

TO: All Concerned Persons

1. On September 18, 2014, the Department of Administration published MAR Notice No. 2-59-521 pertaining to the proposed amendment of the above-stated rule at page 2064 of the 2014 Montana Administrative Register, Issue Number 18.

2. No comments were received.

3. The department has amended ARM 2.59.1738 exactly as proposed.

By: /s/ Sheila Hogan
Sheila Hogan, Director
Department of Administration

By: /s/ Michael P. Manion
Michael P. Manion, Rule Reviewer
Department of Administration

Certified to the Secretary of State October 27, 2014.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	CORRECTED NOTICE OF
17.36.101, 17.36.102, 17.36.103,)	AMENDMENT
17.36.104, 17.36.106, 17.36.110,)	
17.36.116, 17.36.310, 17.36.312,)	(SUBDIVISIONS/ON-SITE
17.36.328, 17.36.330, 17.36.331,)	SUBSURFACE WASTEWATER
17.36.332, 17.36.333, 17.36.334,)	TREATMENT)
17.36.335, 17.36.336, 17.36.340,)	
17.36.605, 17.36.802, and 17.36.804)	
and the adoption of New Rules I and II)	
pertaining to subdivision applications)	
and review, subdivision requirements,)	
subdivision waivers and exclusions,)	
subdivision review fees, and on-site)	
subsurface wastewater treatment)	
systems)	

TO: All Concerned Persons

1. On April 24, 2014, the Department of Environmental Quality published MAR Notice No. 17-358 regarding a notice of public hearing on the proposed amendment and adoption of the above-stated rules at page 706, 2014 Montana Administrative Register, Issue Number 8. On September 18, 2014, the department published the notice of amendment and adoption at page 2098, 2014 Montana Administrative Register, Issue Number 18. The rules were amended and adopted as proposed, but with numerous changes.

2. This corrected notice of amendment is being published to correct a typographical error that was made in the original notice in ARM 17.36.102(1). The original notice referenced 75-4-134, MCA, and it should have referenced 76-4-134, MCA. The rule should have been proposed in the original notice as follows:

17.36.102 APPLICATION--GENERAL (1) To initiate review of a subdivision under 76-4-125 or ~~75-4-134~~ 76-4-134, MCA, a person must submit a complete application to the department. The application must be signed by all owners of record of the property proposed to be subdivided. In the application, the owners may designate an authorized representative responsible for subsequent correspondence with the reviewing authority. If the department has certified a local department or board of health to review subdivisions pursuant to 76-4-104, MCA, the application must be submitted to the local reviewing authority.

(2) through (6) remain as adopted.

3. The replacement pages for this rule were submitted on September 30, 2014.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ John F. North

JOHN F. NORTH

Rule Reviewer

BY: /s/ Tracy Stone-Manning

TRACY STONE-MANNING, Director

Certified to the Secretary of State, October 27, 2014.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
17.56.607 pertaining to release)
categorization) (UNDERGROUND STORAGE
) TANKS)

TO: All Concerned Persons

1. On August 7, 2014, the Department of Environmental Quality published MAR Notice No. 17-364 regarding a notice of public hearing on the proposed amendment of the above-stated rule at page 1663, 2014 Montana Administrative Register, Issue Number 15. On September 4, 2014, the Department published MAR Notice 17-364 regarding an amended notice of public hearing on proposed amendment of the above-stated rule at page 1957, 2014 Montana Administrative Register, Issue Number 17.

2. The department has amended the rule exactly as proposed.

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

COMMENT NO. 1: One comment was received in support of the amendments to the referenced rule and the addition of new (10)(k). The flexibility allowed in the amendments will advance the use of PMZs to close existing and new petroleum release sites.

RESPONSE: The department acknowledges this comment.

4. No other comments or testimony were received.

Reviewed by: DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ John F. North
JOHN F. NORTH
Rule Reviewer

By: /s/ Tracy Stone-Manning
TRACY STONE-MANNING, DIRECTOR

Certified to the Secretary of State, October 27, 2014.

BEFORE THE BOARD OF REALTY REGULATION
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF DECISION
ARM 24.210.401 and 24.210.801 fee)
schedule, 24.210.666 and 24.210.834)
course provider, 24.210.667,)
24.210.674, and 24.210.677)
continuing real estate education, and)
24.210.835, 24.210.840, and)
24.210.843 continuing property)
management education)

TO: All Concerned Persons

1. On May 8, 2014, the Board of Realty Regulation (board) published MAR Notice No. 24-210-41 regarding the public hearing on the proposed amendment of the above-stated rules, at page 921 of the 2014 Montana Administrative Register, Issue No. 9.

2. On May 29, 2014, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the June 6, 2014 deadline.

3. The board is not proceeding with the proposed rule amendments at this time, but will consider them in a future rulemaking project.

BOARD OF REALTY REGULATION
C.E. "ABE" ABRAMSON,
PRESIDING OFFICER

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 27, 2014

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT
ARM 24.301.109 definitions,)	
24.301.131, 24.301.154, 24.301.161,)	
24.301.171 through 24.301.173, and)	
24.301.301 incorporation by)	
reference, 24.301.138 and)	
24.301.139 fees, 24.301.142 and)	
24.301.146 modifications to the)	
international building code,)	
24.301.361 plumbing permits, and)	
24.301.371 plumbing inspections)	

TO: All Concerned Persons

1. On July 24, 2014, the Department of Labor and Industry (department) published MAR Notice No. 24-301-286 regarding the public hearing on the proposed amendment of the above-stated rules, at page 1549 of the 2014 Montana Administrative Register, Issue No. 14.

2. On August 14, 2014, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the August 22, 2014, deadline.

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

All comments regarding ARM 24.301.161 INCORPORATION BY REFERENCE OF INTERNATIONAL ENERGY CONSERVATION CODE:

COMMENT 1: One commenter stated that Table R402.1.1 was incorrectly labeled in three separate areas.

RESPONSE 1: The department recognizes that the table published in the notice was the "current" rule table that will be modified in rule, but this did create confusion that it was not the table revised by the 2012 edition. The department is amending the rule accordingly to reflect the proper 2012 edition table with just the endorsed change under the wall cavity R-value made.

COMMENT 2: One commenter was not aware that section R402.2.2 was to be revised to higher square footage areas and did not think the Building Codes Council took action on this proposal.

RESPONSE 2: Subsection R402.2.2 was a proposal by the department to continue to require the reduction of area allowed to be restricted to R-30 ceiling insulation

when space was restricted. The 2012 edition allows up to 500 square feet or 20 percent of the total insulated ceiling area. The department proposed and succeeded last edition to reduce this area to 250 square feet or ten percent and the council endorsed the change. Therefore, the department is keeping this reduction in place.

COMMENT 3: Three commenters notified the department that section R402.4.1.2 of the 2012 edition of the IECC does not contain the language under subsection "viii – supply and return registers shall not be sealed."

RESPONSE 3: The department recognizes that the 2012 edition does not contain that language and is amending the rule to strike the provision.

COMMENT 4: Three commenters stated that section R403.2.3 regarding building cavities used as ducts should not be deleted as proposed, but should be retained with added language prohibiting use of building cavities as supply ducts.

RESPONSE 4: The department agrees that there is some confusion regarding the intent of the Building Codes Council with this section. Upon review of the comments, the department is amending the rule accordingly to include the suggested clarifying language.

COMMENT 5: Two commenters suggested a language change to clarify section R403.2 regarding verifying duct tightness.

RESPONSE 5: The department agrees and is amending the rule to incorporate the suggested language.

COMMENT 6: Two commenters suggested that the U-factor value endorsed by the Building Codes Council deviates from that published in the 2012 edition of the IECC and represents a reduction in conservation in residential buildings covered by that code.

RESPONSE 6: The U-factor issue commented on was debated by both the energy stakeholders here in the state and the building industry resulting in a compromise that was further endorsed by the Building Codes Advisory Council. The department believes this process has resulted in a reasonable U-factor that, although it does not match the corresponding prescriptive wall R-values found in the 2012 edition, is the result of consensus deliberation and represents a good balance done in a transparent manner.

COMMENT 7: One commenter suggested that the R-value endorsed by the Building Codes Council in Table R402.1.1 deviates from that published in the 2012 edition of the IECC, and represents a reduction in conservation in residential buildings covered by that code.

RESPONSE 7: The R-value issue commented on was debated by both the energy stakeholders here in the state and the building industry resulting in a compromise

that was further endorsed by the Building Codes Advisory Council. The department believes this process has resulted in a reasonable R-value that, although it does not match the prescriptive wall R-values found in the 2012 edition, is the result of consensus deliberation and represents a good balance done in a transparent manner.

COMMENT 8: One commenter suggested that the reduction in air exchange values allowed when blower door testing is performed deviates from benchmarks found in the 2012 edition of the IECC and represents a reduction in conservation in residential buildings covered by that code.

RESPONSE 8: The air tightness requirement commented on was debated by both the energy stakeholders here in the state and the building industry resulting in a compromise that was further endorsed by the Building Codes Advisory Council. The department believes this process has resulted in a reasonable air changes per hour rate that will work here in Montana. During adoption of the 2009 code, this same consensus process resulted in tightening of the ACH from 7 to 4 and that rate has become an industry benchmark that none of the stakeholders thought was worth changing again and was endorsed by the council.

4. The department has amended ARM 24.301.109, 24.301.131, 24.301.138, 24.301.139, 24.301.142, 24.301.146, 24.301.154, 24.301.171, 24.301.172, 24.301.173, 24.301.301, 24.301.361, and 24.301.371 exactly as proposed.

5. The department has amended ARM 24.301.161 with the following changes, stricken matter interlined, new matter underlined:

24.301.161 INCORPORATION BY REFERENCE OF INTERNATIONAL ENERGY CONSERVATION CODE (1) through (1)(c) remain as proposed.

(d) Table R402.1.1, INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT, is amending requirements for climate zone "6" as shown below in the table:

~~"k." Fenestration U-Factor is 0.33 after January 1, 2010."~~

Climate Zone	Fenestration U-Factor(b)	Skylight(b) U-Factor	Glazed Penetration SHGC(b,d)	Ceiling R-Value	Wood Framed Wall R-Value
6	0.35(k) 0.33(l) <u>0.32</u>	0.60 <u>0.55</u>	NR	49	21 or 13+5(h) <u>21 or 13+10(h)</u>

Mass Wall R-Value(i)	Floor R-Value	Basement(c) Wall R-Value	Slab(b) R-Value & Depth	Crawl Space Wall(c) R-Value
45/19 <u>15/20</u>	30(g)	15/19	10, 4 ft	40/19 <u>15/19</u>

(e) through (g) remain as proposed.

(h) Subsection R402.4.1.2, Testing, is deleted and replaced with the following: The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding four air changes per hour in Climate Zone 6. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. The requirements of testing found in subsection R402.4.1.2 will not be mandatory until one year following the final adoption of this rule. Buildings or dwelling units issued a building permit by a code official prior to this testing becoming required shall not be required to perform testing under subsection R402.4.1.2. During testing:

"(i) exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;

"(ii) dampers shall be closed, but not sealed, including exhaust, intake, makeup air, back draft and flue dampers;

"(iii) interior doors shall be open;

"(iv) exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;

"(v) heating and cooling system(s) shall be turned off;

"(vi) "B" or "L" vents, combustion air vents, and dryer vents shall be sealed;

and

"(vii) HVAC ducts shall not be sealed; ~~and~~

~~"(viii) supply and return registers shall not be sealed."~~

(i) Subsection R403.2.2, Sealing (Mandatory). Delete the existing ~~exception under 1. and 2. found beneath, "duct tightness shall be verified by either of the following:"~~ and replace with the existing 1. with the following:

"Postconstruction test: Leakage to the outside of a condition space or total leakage shall be less than or equal to four cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. across the entire system, including the manufacturer's air handler enclosure. All register boot shall be taped or otherwise sealed during the test."

Exception: The duct tightness testing is not required for ducts and air handlers located entirely within the building thermal envelope.

(j) Subsection R403.2.3, Building Cavities, is deleted in its entirety; and replaced with: "Building framing cavities shall not be used as supply ducts."

(k) through (3) remain as proposed.

/s/ DARCEE L. MOE

Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY

Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 27, 2014

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.301.603 definitions,)
24.301.606 plan review and permit)
fee, and 24.301.607 inspections -)
certificates - fees)

TO: All Concerned Persons

1. On September 4, 2014, the Department of Labor and Industry (department) published MAR Notice No. 24-301-289 regarding the public hearing on the proposed amendment of the above-stated rules, at page 1973 of the 2014 Montana Administrative Register, Issue No. 17.

2. On October 2, 2014, a public hearing was held on the proposed amendment of the above-stated rules in Helena. No comments were received by the October 10, 2014, deadline.

3. The board has amended ARM 24.301.603, 24.301.606, and 24.301.607 exactly as proposed.

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 27, 2014

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 32.2.405 pertaining to)
department of livestock)
miscellaneous fees)

TO: All Concerned Persons

1. On September 4, 2014, the Department of Livestock published MAR Notice No. 32-14-254 regarding the proposed amendment of the above-stated rule at page 1976 of the 2014 Montana Administrative Register, Issue Number 17.

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

3. 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:

After extensive deliberation on the matter pertaining to the increase of fees from 75 cents to \$1.00 a head on all livestock brand inspection activities the Montana Stockgrowers Association does not support such an increase at this time. Whereas inspection fees were recently increased by 50%. If all other proposed DOL program fee adjustments and legislative funding requests are not realized in 2015 then the Montana Stockgrowers Association would reconsider their support for a proposal to adjust livestock inspection fees post 2015 legislature.

RESPONSE #1:

The Montana Board of Livestock considered the comment received from the Montana Stockgrowers Association. After due deliberation the board decided that, due to the proposed fee increase being submitted as part of the FY 2016-2017 budget, and additional funds being necessary to balance the FY 2015 budget, they have no choice but to continue with the fee increase as proposed. Waiting until after the 2015 Legislature will not bring in sufficient income for FY 2015. This increase is necessary at this time in order to have a balanced budget for FY 2015.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Sherry Rust
Sherry Rust
Rule Reviewer

Certified to the Secretary of State October 27, 2014.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 32.2.403 pertaining to)
diagnostic laboratory fees)

To: All Concerned Persons

1. On September 18, 2014, the Department of Livestock published MAR Notice No. 32-14-257 regarding the proposed amendment of the above-stated rule at page 2071 of the 2014 Montana Administrative Register, Issue Number 18.

2. The department has amended the above-stated rule as proposed except as follows, stricken matter interlined, new matter underlined:

32.2.403 DIAGNOSTIC LABORATORY FEES (1) and (2) remain as proposed.

(a) Clinical Microbiology/Bacteriology:

<u>Clinical Microbiology/Bacteriology Test</u>	Fee
aerobic culture	\$16.00
aerobic - additional isolate	\$8.00 each
anaerobic culture	\$19.00 <u>one each</u>
anaerobic - <u>each</u> additional isolate	\$8.00 each
antibiotic sensitivity - <u>per isolate</u>	\$10.50
brucella culture	\$16.00
campylobacter culture	\$13.00
chlamydial ELISA	\$21.00
clostridium FA	\$18.00
clostridium perfringens genotyping	referral lab fee + <u>shipping/handling</u>
dermatophyte culture & PAS	\$26.25
direct microscopy	\$8.50
environmental culture	\$19.00 each
fecal occult blood	\$8.50 <u>minimum</u>
fungus culture	\$23.25
listeria culture	\$17.00
milk culture	\$16.00
mycoplasma culture	\$16.00
non-dermatophyte fungus culture	\$23.25
salmonella culture	\$15.75
salmonella enteritidis/if negative	\$21.00
salmonella enteritidis/additional testing	\$24.50

special requests	contact lab
trichomonas foetus culture:	
1 - 100	\$6.50 each
101 - 500	\$6.00 each
501 or more	\$5.50 each

(b) Clinical Microbiology/Parasitology

<u>Clinical Microbiology/Parasitology Test</u>	<u>Fee</u>
cryptosporidia exam	\$8.50
dirofilaria immitis (canine heartworm) ELISA	\$9.50
fecal flotation	\$10.50
giardia ELISA	\$29.50
parasite or arthropod identification	\$28.50
special parasite identification procedures	contact lab

(c) Clinical Pathology

<u>Clinical Pathology Test</u>	<u>Fee</u>
Clinical profiles:	
small animal health screen	\$46.25
large animal health screen	\$46.25
small animal clinical profile	\$35.00
large animal clinical profile	\$35.00
small animal pre-anesthetic profile	\$25.25
feline profile	\$69.50
equine fitness profile	\$34.00
Endocrinology:	
canine thyroid panel	\$29.50
thyroid panel	\$25.25
canine total T4	\$10.50
total T4	\$10.50
canine TSH	\$10.50
free T4	\$10.50
total T3	\$10.50
cortisol: canine, feline, equine	\$16.00 each
ACTH stimulation	\$31.50
cortisol: pre & post	\$31.50
dexamethasone suppression: pre & post (normal collection: 0, 4 & 8 hour samples)	\$47.25
Biochemistry panels:	
small animal panel	\$26.25
large animal panel	\$26.25
small animal hepatic panel	\$21.00
small animal renal panel	\$21.00

canine endocrine panel	\$24.25
feline geriatric panel	\$15.00
electrolyte panel	\$10.50
expanded electrolyte panel	\$15.75
Other serum chemistry:	
PLI: canine, feline	\$23.75
bile acids: canine, feline, equine	\$25.25
bile acids: (pre & post)	\$35.75
phenobarbital	\$25.25
individual biochemical test	contact lab
Hematology:	
CBC/differential	\$15.75
large animal CBC/differential	\$15.75
small animal CBC/without differential	\$7.00
large animal CBC/without differential	\$7.00
reticulocyte count	\$7.00
feline anemia panel	\$38.00
fibrinogen	\$4.25
hemotropic parasite screen	\$4.25
urinalysis	\$12.75
urinalysis with culture & sensitivity	\$35.75
Miscellaneous clinical pathology tests:	
blood cross match	\$15.75
buffy coat exam	\$31.50
canine direct coombs	\$31.50
coagulation panel	\$84.00
individual coagulation test	\$21.00
IgG RID	\$15.75
ocular nitrate	\$14.75

(d) Cytology

<u>Cytology Test</u>	<u>Fee</u>
bone marrow cytology	\$42.00
CFS analysis: SG, microprotein, cytospin, cytology	\$25.25 plus microprotein referral fee
cytology with culture	<u>\$35.75 + culture</u>
fluid analysis: total cell count, TP, SG, cytology	\$38.00
FNA: imprint, smear, stained, or unstained	\$35.75

(e) Histology/Immunohistochemistry

<u>Histology/Immunohistochemistry Test</u>	<u>Fee</u>
biopsy standard, per biopsy (1-3 slides)	\$35.75

per biopsy or necropsy (4-6 slides)	\$42.00
per biopsy or necropsy (7-10 slides)	\$48.50
per biopsy or necropsy (11 or more slides)	\$54.75
decalcification/keratin	\$8.50
hematoxylin & eosin (H & E):	
duplicate H & E (4-3 up to 3 slides)	\$18.00 each
additional H & E (4 or more slides)	\$5.25 each
immunohistochemistry (IHC)	\$26.25
special stains	\$8.50 each
bulk research - slide prep staining only	\$4.00/slide + \$24.00/hour

(f) Milk Testing

Milk Testing Test	Fee
added water	\$3.25
antibiotic	\$24.25
brucella ring	\$2.25
coliform count	\$5.25
component	\$1.25
gerber	\$3.25
laboratory certification review	contact milk lab
listeria environmental culture	\$11.75/swab site
majonnier	\$13.25
pesticide:	
organophosphate & carbamates	\$25.25 minimum
chlorinated hydrocarbons	\$220.50 minimum
phosphatase	\$6.50
somatic cell count:	
direct	\$5.25
electronic	\$1.25
standard plate count	\$6.00
yeast & mold	\$6.00

(g) Molecular Diagnostics (PCR)

Molecular Diagnostics (PCR) Test	Fee
new tests as implemented	contact lab
avian influenza (AI)	\$31.50
bovine coronavirus (BCV)	\$31.50
bovine virus diarrhea (BVD):	
individual sample	\$31.50
MVDL pooled (up to 24 ear notch samples)	up to 24 samples for \$52.50
retest in positive pools/antigen capture ELISA	\$4.00/sample

E. coli - K99	\$31.50
Infectious bovine rhinotracheitis (IBR)	\$36.75
mycobacterium paratuberculosis (Johne's):	
individual sample	\$31.50
MVDL pooled (up to 5 feces samples)	\$36.75
retest positive pools	\$31.50/sample
salmonella enteritidis PCR	\$29.50
suspect culture confirmation	\$33.00
tritrichomonas foetus:	
individual sample	\$28.50
MVDL pooled (up to 5 samples)	\$52.50/pool
retest in positive pools	\$28.50/sample

(h) Pathology

Pathology Test	Fee
abortion workup, livestock - MVDL kits only	\$52.50
carcass disposal (CD) - incineration	\$26.25/hundred weight per 100 lbs
insurance/legal cases	\$157.50/hour
necropsy - bovine & equine:	
fetus	\$73.50 + CD
less than 150 lbs	\$89.25 + CD
150 to 500 lbs	\$115.50 + CD
more than 500 lbs	\$157.50 + CD
necropsy - canine & feline:	\$115.50 + CD
necropsy - porcine (swine):	
fetus (same litter)	\$73.50 + CD
less than 25 lbs	\$73.50 + CD
25 to 250 lbs	\$89.25 + CD
more than 250 lbs	\$115.50 + CD
necropsy - small ruminant:	
fetus (same dam)	\$73.50 + CD
up to 20 lbs	\$73.50 + CD
more than 20 lbs	\$89.25 + CD
necropsy - other species	\$42.00 minimum + CD
neonatal diarrhea workup - livestock, MVDL kits only	\$100.00
research	contact lab
spinal cord removal (in addition to necropsy fee):	
small animal	\$52.50
large animal	\$105.00

transmissible encephalopathies:		
necropsies		\$131.25 minimum
brain removal only		\$31.50 minimum
immunohistochemistry and ELISA test		referral + <u>shipping/handling fee</u>

(i) Rabies

<u>Rabies Test</u>	Fee
small animal	\$31.50
livestock with histopathology	\$58.00
entire carcass disposal (excluding bats & small rodents)	\$26.25 <u>minimum per 100 lbs</u>

(j) Serology

<u>Serology Test</u>	Fee
anaplasmosis cELISA	\$8.00
avian influenza (AI) AGID:	
1-9	\$6.00 each
10-24	\$5.00 each
25-49	\$3.00 each
50 or more	\$2.00 each
bluetongue (BT) AGID - contact laboratory	\$6.50 minimum
bluetongue cELISA:	
1-100	\$8.75 each
101-500	\$6.50 each
501 or more	\$4.00 each
bovine leukemia virus (BLV) ELISA:	
1-100	\$7.00 each
101-500	\$6.00 each
501 or more	\$4.00 each
bovine respiratory syncytial virus (BRSV) - SN	\$7.00
bovine virus diarrhea type I, II - SN	\$13.75
bovine virus diarrhea (BVD) ELISA:	
1-100	\$5.25 each
101-500	\$4.25 each
501 or more	\$3.75 each
brucella abortus:	
card, BAPA, FP or RAP	\$1.60 each
rivanal, SPT, CF, STT	\$2.65 each
brucella ovis ELISA	\$8.00
caprine arthritis encephalitis (CAE):	
AGID	\$6.50
<u>c</u> ELISA	\$6.50

epizootic hemorrhagic disease (EHD) - AGID	\$10.50
equine infectious anemia (EIA) AGID individual sample	\$8.00
equine infectious anemia (EIA) AGID - same owner:	
1-15	\$8.00 \$13.00 each
16-50	\$6.00 each
51 or more	\$4.75 each
equine infectious anemia (EIA) cELISA individual sample	\$8.00
equine infectious anemia (EIA) cELISA same owner:	
1-15	\$13.00 each
16-50	\$10.50 each
51 or more	\$9.50 each
infectious bovine rhinotracheitis (IBR)-SN	\$7.00
leptospirosis MAT:	
(routine) L. canicola, L. grippo, L. hardjo, L. ictero, L. pomona	\$10.50
L. autumnalis, L. bratislava/per each	\$2.25/sample
mycobacterium paratuberculosis (PTB) ELISA:	
1-100	\$8.00 each
101-500	\$6.00 each
501 or more	\$4.00 each
ovine progressive pneumonia (OPP):	
AGID or cELISA	\$6.50
parainfluenza 3 (PI3) - HAI	\$5.25
pseudorabies - gB ELISA	\$6.00
salmonella pullorum MAT	\$4.75
vesicular stomatitis (VS):	
CF	\$47.25
NJ & Ind - SN	\$13.75
west nile virus (WNV):	
July 1 - Oct 15 IgM ELISA	\$21.00
off season	referral lab fee + <u>shipping/handling</u>

(k) Serology - Small Animal

Serology - Small Animal Test	Fee
brucella canis -RSAT screen, 2ME-TAT confirmation	\$23.00
feline infectious peritonitis (FIP) ELISA	\$28.50
feline leukemia virus (FeLV) ELISA	\$18.00

feline leukemia/feline immunodeficiency virus (FeLV, FIV) ELISA	\$28.50
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(l) Virology

<u>Virology Test</u>	Fee
bovine virus diarrhea - cELISA	see serology section
canine parvovirus ELISA	\$25.25
electron microscopy (EM)	\$31.50
fluorescent antibody (FA) testing - per agent:	
bovine coronavirus (BCV)	\$8.50
bovine respiratory syncytial virus (BRSV) SN	\$8.50
bovine virus diarrhea (BVD)	\$8.50
canine distemper (CDV)	\$8.50
canine parvovirus (CPV)	\$8.50
equine herpesvirus (EHV)	\$8.50
feline panleukopenia (FPLV)	\$8.50
feline infectious peritonitis (FIP)	\$8.50
feline herpes (FHV)	\$8.50
infectious bovine rhinotracheitis (IBR)	\$8.50
leptospira	\$8.50
parainfluenza - 3 Virus (PI-3)	\$8.50
porcine parvovirus (PPV)	\$8.50
rotavirus ELISA	\$26.25
virus isolation (livestock only)	\$26.25

(m) Miscellaneous Tests

<u>Miscellaneous Tests & Special Requests Test</u>	Fee
after hours pathologist	\$89.25/hour
carcass disposal	\$26.25/hundred weight per 100 lbs
duplicate test result reporting	\$3.00
<u>EIA Global Vet Link submissions</u>	<u>\$1.00 additional</u>
IgG RID: bovine, camelid, equine	\$15.75
minimum laboratory fee	\$8.00
ocular nitrate	\$14.75
organization fee	\$63.00/hour
referral testing	cost per referral <u>lab fee + shipping/handling</u>
stat fee	\$15.75

AUTH: 81-1-102, 81-2-102, MCA
 IMP: 81-2-102, MCA

REASON: Additional language was added to some services/fees in the table to provide clarity. The table was broken down to further delineate services provided by each specific lab area.

3. The department has thoroughly considered the comments and testimony received. One verbal comment was received. No written comments were received. A summary of the comment received and the department's response follows:

COMMENT #1: The caller requested the department split out specific lab areas to provide clarification of what tests are done in what section of the lab.

RESPONSE #1: The department responded to the request by splitting the original table into smaller tables specific to each area of testing for better clarity.

DEPARTMENT OF LIVESTOCK

BY: /s/ Sherry Rust
Sherry Rust
Rule Reviewer

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

Certified to the Secretary of State, October 27, 2014.

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 37.104.3001, 37.104.3012,)
37.104.3013, 37.104.3021, and)
37.104.3022 pertaining to updating)
the state trauma plan to reflect)
current dates, terminology, and)
medical practice)

TO: All Concerned Persons

1. On August 21, 2014, the Department of Public Health and Human Services published MAR Notice No. 37-687 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1899 of the 2014 Montana Administrative Register, Issue Number 16.

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

3. No comments or testimony were received.

4. These rule amendments are effective January 1, 2015.

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

/s/ Richard H. Opper
Richard H. Opper, Director
Public Health and Human Services

Certified to the Secretary of State October 27, 2014.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 42.11.104, 42.11.105,) REPEAL
42.11.106, 42.11.211, 42.11.213,)
42.11.243, 42.11.245, and 42.11.402,)
and the repeal of ARM 42.11.205,)
42.11.212, 42.11.214, 42.11.215, and)
42.11.217 pertaining to liquor vendors)

TO: All Concerned Persons

1. On September 4, 2014, the Department of Revenue published MAR Notice No. 42-2-915 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 1979 of the 2014 Montana Administrative Register, Issue Number 17.

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

3. No comments or testimony were received.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State October 27, 2014.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I through IV pertaining to the)
electronic service of levies and writs)

TO: All Concerned Persons

1. On September 18, 2014, the Department of Revenue published MAR Notice No. 42-2-917 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 2087 of the 2014 Montana Administrative Register, Issue Number 18.

2. The department has adopted NEW RULE I (42.5.301), II (42.5.302), III (42.5.303), and IV (42.5.304) exactly as proposed.

3. No comments or testimony were received.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State October 27, 2014.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 42.19.401, 42.19.406, and)
42.19.1211 pertaining to property)
classification and property tax)
assistance programs)

TO: All Concerned Persons

1. On September 18, 2014, the Department of Revenue published MAR Notice No. 42-2-918 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 2091 of the 2014 Montana Administrative Register, Issue Number 18.
2. The department has amended the above-stated rules exactly as proposed.
3. No comments or testimony were received.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State October 27, 2014.

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.

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 a soft back, bound 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 the accumulative table 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. |

ACCUMULATIVE TABLE

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, 2014. This table includes those rules adopted during the period July 1, 2014, through September 30, 2014, 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, 2014, this table, and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in the 2014 Montana Administrative Register.

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