

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The notice section contains state agencies' proposed new, amended or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 section indicates that the proposed rule action is adopted and lists any changes made since the proposed stage. The interpretation section contains the attorney general's opinions and state declaratory rulings. Special notices and tables are found at the back 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 Administrative Rules Bureau at (406) 444-2055.

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BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the adoption of new) NOTICE OF PUBLIC
Rule I regarding trust company) HEARING ON PROPOSED
examination fees and new Rule II) ADOPTION
regarding required bond amounts for)
the licensing of escrow businesses)

TO: All Concerned Persons

1. On June 10, 2004, at 10:00 a.m., a public hearing will be held in Room 342 of the Park Avenue Building, 301 S. Park, Helena, Montana, to consider the adoption of new Rules I and II.

2. The Department of Administration, Division of Banking and Financial Institutions, 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 Division of Banking and Financial Institutions no later than 5:00 p.m. on June 3, 2004, to advise us of the nature of the accommodation that you need. Please contact Susan Pendergast, Division of Banking and Financial Institutions, 301 South Park, Suite 316, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2928; TDD (406) 444-1421; facsimile (406) 841-2930; e-mail to spendergast@state.mt.us.

3. The proposed new rules provide as follows:

RULE I TRUST COMPANY EXAMINATION FEES (1) A trust company shall pay the division of banking and financial institutions a fee in the amount of \$75 per hour for each examiner required to conduct an examination under 32-1-211 or 32-1-214, MCA.

AUTH: 32-1-218, MCA
IMP: 32-1-211, 32-1-214, MCA

RULE II ESCROW BUSINESS BONDING (1) An applicant for an escrow business license shall file with the division of banking and financial institutions a bond in the amount of \$100,000 along with the application for licensure.

AUTH: 32-7-108, MCA
IMP: 32-7-109, MCA

4. Section 32-1-211, MCA, requires the Division of Banking and Financial Institutions to conduct examinations of all banks and trust companies at least once every 24 months. Section 32-1-214, MCA, also allows the Division to conduct such examinations at any time there are concerns about the condition of these financial institutions. Section 32-1-213, MCA, requires banks and trust companies to pay for the costs

of these examinations. Because the Division has never set a specific fee for the examination of trust companies, new Rule I is being proposed. New Rule II is being proposed because the 2003 Montana Legislature amended section 32-7-109, MCA, to require all applicants for an escrow business license to submit a bond "in an amount to be set by the department by rule." These fees will affect 10 trust companies who are licensed and regulated by the Division. The cumulative impact of these fees cannot be estimated because the amount of time necessary for any individual examination is unknown as each trust company has unique circumstances that require differing amounts of examination time. This rulemaking effort is going forward to fulfill that mandate.

5. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Peter Funk, Legal Counsel, Division of Banking and Financial Institutions, 301 South Park, Suite 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to pfunk@state.mt.us, and must be received no later than June 18, 2004.

6. Peter Funk, Legal Counsel, Division of Banking and Financial Institutions, has been designated to preside over and conduct the hearing.

7. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Such written requests may be mailed or delivered to Susan Pendergast, Division of Banking and Financial Institutions, 301 South Park, Suite 316, P.O. Box 200546, Helena, MT 59620-0546; faxed to the office at (406) 841-2930; emailed to spendergast@state.mt.us; or may be made by completing a request form at any rules hearing held by the Division of Banking and Financial Institutions.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

By: /s/ Steve Bender
Steve Bender, Acting Director
Department of Administration

By: /s/ Dal Smilie
Dal Smilie, Rule Reviewer

Certified to the Secretary of State May 10, 2004.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 4.13.1001A)	AMENDMENT
relating to state grain)	
laboratory fees)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On June 19, 2004, the Montana Department of Agriculture proposes to amend the above-stated rule relating to state grain laboratory fees.

2. The Department of Agriculture 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 Agriculture no later than 5:00 p.m. on June 3, 2004, to advise us of the nature of the accommodation that you need. Please contact Will Kissinger at the Montana Department of Agriculture, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201; Phone: (406) 444-2402; TTY: (406) 444-4687; Fax: (406) 444-5409; or E-mail: agr@state.mt.us.

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

4.13.1001A GRAIN FEE SCHEDULE (1) The effective date of this rule is July 1, 2004.

(2) General provisions applying to all sections of this rule are as follows:

(a) through (e)(i) remain the same.

(ii) For each out-of-town trip requested, the applicant will be charged at the regular hourly rate, except when work is conducted while in overtime status or on holidays. Work conducted while in overtime status or on holidays will be charged at the overtime rate, prorated where possible.

(ii) remains the same, but is renumbered (iii).

(f) through (h) remain the same.

(i) The priority service fee shall be \$2.50 per submitted sample in addition to the fees set forth in this rule. Submitted priority samples shall be done within 48 hours or less, on a first arrival basis. Priority service includes telephone report. Priority service will be automatically suspended if backlog of regular samples exceeds two weeks. If priority service is suspended, all submitted sample fees will be assessed at the appropriate rate.

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

(3) through (3)(d) remain the same.

~~(c) Priority services fees are as listed below plus \$2.50 per request. Submitted priority samples shall be done~~

~~within 48 hours or less, on a first arrival basis. Priority service includes telephone report. Priority service will be automatically suspended if backlog of regular samples exceeds two weeks. If priority service is suspended, all submitted sample fees will be assessed at the appropriate rate.~~

- ~~(f) (e) Submitted sample inspection, per sample:~~
 - ~~(i) grade only per sample. \$8.00~~
 - ~~(f)(ii) and (iii) remain the same, but are renumbered~~
 - ~~(e)(ii) and (iii).~~
 - ~~(g) through (g)(iii) remain the same, but are renumbered~~
 - ~~(f) through (f)(iii).~~

~~(h) (g) Ineffectual factor DHV, HVAC or factor only determination: (e.g., foreign material (FM) identified; dark, hard vitreous (DHV) kernels; hard, vitreous kernels of amber color (HVAC); damaged kernels total (DKT) identified, per factor. \$2.50~~

~~(h) Additional statements: e.g., foreign material (FM) identified; damaged kernels total (DKT) identified or other additional statements requested by the applicant, per statement. \$2.50~~

~~(i) through (4)(a) remain the same.~~

~~(b) Priority service fees are as listed below plus \$2.50 per request. Submitted priority samples shall be done within 48 hours or less, on a first arrival basis. Priority service includes telephone report. Priority service will be automatically suspended if backlog of regular samples exceeds two weeks. If priority service is suspended, all submitted sample fees will be assessed at the appropriate rate.~~

~~(c) through (c)(ii) remain the same, but are renumbered~~
~~(b) through (b)(ii).~~

~~(d) through (d)(ii) remain the same, but are renumbered~~
~~(c) through (c)(ii).~~

~~(e) Reinspection:~~

~~(i) Reinspection of official lot — all regular fees assessed.~~

~~(ii) Reinspection of file sample with original numerical grade sustained — regular fee assessed either \$13.00 or \$11.00~~

~~(iii) Reinspection based on file sample with original numerical grade changed no — fee will be assessed.~~

~~(f) (d) Ineffectual factor or f Factor only determination (e.g., DKT identified), per factor. . . . \$2.50~~

~~(e) Additional statements: e.g., foreign material (FM) identified; damaged kernels total (DKT) identified or other additional statements requested by the applicant, per statement. \$2.50~~

~~(5) through (5)(d) remain the same.~~

~~(e) Priority services fees are as listed below plus \$2.50 per request. Submitted priority samples shall be done within 48 hours or less, on a first arrival basis. Priority service includes telephone report. Priority service will be automatically suspended if backlog of regular samples exceeds two weeks. If priority service is suspended, all submitted sample fees will be assessed at the appropriate rate.~~

(f) (e) Submitted Montana specialty crop grades, (unless specifically listed), per grade <u>sample</u>	\$8.00
(g) (f) Submitted buckwheat grades, per grade <u>sample</u> : (g)(i) and (ii) remain the same, but are renumbered (f)(i) and (ii).	
(h) (g) Submitted hulless or hulless waxy barley grades, per grade <u>sample</u>	\$12.00
(i) through (i)(ii) remain the same, but are renumbered (h) through (h)(ii). (j) remains the same, but is renumbered (i). (i) non-official NIRT, (e.g., kamut <u>khorasan</u>).	\$5.50
(j)(ii) through (iv) remain the same, but are renumbered (i)(ii) through (iv). (k) through (k)(ii) remain the same, but are renumbered (j) through (j)(ii). (l) remains the same, but is renumbered (k). (m) remains the same, but is renumbered (l).	
(n) (m) Ineffectual factor DHV, HVAC or factor only determination, (e.g. FM identified, DHV, HVAC, DKT identified) per factor.	\$2.50
<u>(n) Additional statements: e.g., foreign material (FM) identified, damaged kernels total (DKT) identified or other additional statements requested by the applicant, per statement.</u>	\$2.50

AUTH: 80-4-403, MCA
IMP: 80-4-721, MCA

REASON: The proposed changes are intended to resolve confusion and clarify when the Montana State Grain Laboratory assesses certain laboratory fees. For clarification purposes, the amendments were requested to be made by the United States Department of Agriculture - Federal Grain Inspection Service (USDA-FGIS) who provides federal oversight of all federally designated grain inspection laboratories such as the Montana State Grain Laboratory. Specifically, the reasons for the proposed amendments are:

- To clarify that the general provisions in section (2) apply to all sections of the rule;
- To resolve confusion by clarifying that the regular hourly rate established in subsection (2)(b) shall be assessed on out-of-town sampling trips except when the laboratory's employees are in overtime or holiday status. In this situation, the rate is charged at the overtime rate specified in subsection (2)(c).
- To streamline the rule by removing the priority service fee schedule from each appropriate subsection and placing it into section (2), general provisions;
- To clarify in subsection (3)(old f) and (5)(old h) that the submitted sample fee pertains to each sample and not grade only;

- To change the name of kamut in subsection (5)(old j) to its technically correct name of khorasan; and
- To resolve confusion by clarifying when Ineffectual Factor fees specified in sections (3), (4), and (5) are assessed. This is done by separating the fee by factor only, DHV (Dark, Hard, Viterous Kernels) and HVAC (Hard, Viterous Kernels of Amber Color), and Additional Statements.

These changes will enable grain producers, grain elevator operators, and industry personnel to more easily determine appropriate fees charged by the State Grain Laboratory.

The proposed changes do not add new fees, or increase or decrease fees.

4. Concerned persons may submit their data, views or arguments concerning the proposed amendment in writing to Will Kissinger at the Montana Department of Agriculture, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or E-mail: agr@state.mt.us. Any comments must be received no later than June 17, 2004.

5. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Will Kissinger at the Montana Department of Agriculture, P.O. Box 200201, Helena, MT 59620-0201; Phone: (406) 444-2402; TTY: (406) 444-4687; Fax: (406) 444-5409; or E-mail: agr@state.mt.us. A written request for hearing must be received no later than June 17, 2004.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are 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 persons directly affected has been determined to be 2,760 based on 27,600 farmers per Montana Agricultural Statistics Service data.

7. The Department of Agriculture 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 mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding noxious weed seed free forage,

noxious weeds, alfalfa seed, agriculture in Montana schools program, agriculture development, pesticides, warehouseman, produce, mint, seed, alternative crops, wheat research and marketing, rural development and/or hail. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or E-mail: agr@state.mt.us or may be made by completing a request form at any rules hearing held by the Department of Agriculture. All department rulemaking notices and adoptions may be reviewed at the Department of Agriculture's website at www.agr.state.mt.us.

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

DEPARTMENT OF AGRICULTURE

/s/ Ralph Peck
Ralph Peck
Director

/s/ Tim Meloy
Tim Meloy, Attorney
Rules Reviewer

Certified to the Secretary of State, May 10, 2004.

BEFORE THE BOARD OF PARDONS AND PAROLE
DEPARTMENT OF CORRECTIONS
OF THE STATE OF MONTANA

In the matter of the proposed) AMENDED NOTICE OF
adoption of new rule I) PROPOSED ADOPTION
concerning training of board)
of pardons and parole) NO PUBLIC HEARING
members) CONTEMPLATED

TO: All Concerned Persons

1. On February 12, 2004, the Board of Pardons and Parole published MAR Notice No. 20-7-30 at page 239 of the 2004 Montana Administrative Register, Issue Number 3, regarding the proposed adoption of the above-stated rule. The notice of proposed adoption is being amended to extend the comment period. New Rule I is being re-proposed for adoption as shown below.

2. The Board of Pardons and Parole 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 Board of Pardons and Parole no later than 5:00 p.m. on June 11, 2004, to advise us of the nature of the accommodation that you need. Please contact Sherri Townsend, P.O. Box 201301, Helena, MT 59620-1301; phone: (406) 444-7843; fax: (406) 444-4920; e-mail: stownsend@state.mt.us.

3. Because the Board of Pardons and Parole is exempted from the notice and comment or opportunity for hearing requirements of the Montana Administrative Procedure Act, this notice is published in the Montana Administrative Register as a courtesy to those persons who may wish to offer comments and suggestions before the board makes its final decision.

4. The new rule is proposed to implement House Bill 211 (Ch. 559, L. 2003), which authorizes the board to adopt rules to train board members and auxiliary members regarding American Indian culture and problems in order for the board to deal appropriately with American Indian inmates appearing before the board. The legislation further authorizes rulemaking to address board member training regarding other matters pertinent to service on the board.

5. The proposed new rule provides as follows:

NEW RULE I BOARD TRAINING (1) All board members shall receive or have received training that addresses the following issues relevant to American Indians in the state of Montana:

(a) the cultures and problems of Montana tribes and reservations;

(b) statistical and comparative data regarding correctional populations;

(c) distinctions between urban and reservation populations; and

(d) federal, state, and local community services available to paroled or discharged American Indian inmates.

(2) A board member that has not received training regarding American Indian issues must complete the training within a reasonable time from the date of appointment. A member that has not completed training may not participate on a hearing panel acting on American Indian offender dispositions unless a trained member is also participating on the panel.

(3) New board members may attend nationally recognized correctional training or a comparable program for parole board members.

(4) Before participating on a hearing panel, a new board member must receive orientation from board staff regarding:

(a) state and federal law and rules pertinent to board operations;

(b) offender pathology, treatment and supervision; and

(c) department of corrections organization.

(5) A convened board shall evaluate and update training annually and determine the extent and sufficiency of the training required for individual members.

AUTH: 46-23-218, MCA

IMP: 46-23-218, MCA

6. Concerned persons may present their data, views or arguments concerning the proposed action in writing to Sherri Townsend, Department of Corrections, P.O. Box 201301, Helena, Montana 59620-1301; fax (406) 444-4920; e-mail stownsend@state.mt.us, and must be received no later than 5:00 p.m. on June 17, 2004.

7. The Department of Corrections 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 mailing address of the person to receive notices, and specifies that the person wishes to receive notices regarding community corrections, juvenile corrections, board of pardons and parole, private correctional facilities or general departmental rulemakings. Such written request may be mailed or delivered to Sherri Townsend, Department of Corrections, 1539 11th Ave., P.O. Box 201301, Helena, Montana 59620-1301; faxed to (406) 444-4920; e-mailed to stownsend@state.mt.us or may be made by completing a request form at any rules hearing held by the Department of Corrections.

8. An electronic copy of this Notice of Public Hearing is available through the board of pardons and parole's web

site at www.discoveringmontana.com/bopp. The board tries to make the electronic version conform to the official version of this notice, as printed in the Montana Administrative Register. However, the board advises that it will decide any conflict between the official version and the electronic version in favor of the official printed version. In addition, the board advises that the website might be inaccessible at times, due to system maintenance or technical problems.

/s/ Kenneth D. Peterson
KENNETH D. PETERSON, Chair
Board of Pardons and Parole

/s/ Bill Slaughter
BILL SLAUGHTER, Director
Department of Corrections

/s/ Colleen A. White
Colleen A. White, Rule Reviewer
Department of Corrections

Certified to the Secretary of State May 10, 2004.

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

In the matter of the proposed)	NOTICE OF PUBLIC
amendment of ARM 24.138.301,)	HEARING ON PROPOSED
definitions, 24.138.402, fee)	AMENDMENT AND ADOPTION
schedule, 24.138.508, dental hygiene)	
local anesthetic agent certification,)	
24.138.514, application to convert an)	
inactive status license to an active)	
status license, 24.138.519, grounds)	
for denial of a license, and the)	
adoption of NEW RULES I-VI regarding)	
dentist licensure by credentials for)	
specialists, reinstatement of a)	
license for non-payment of renewal)	
fee, and licensure of retired or)	
nonpracticing dentist or dental)	
hygienist for volunteer service)	

1. On June 15, 2004, at 11:00 a.m., a public hearing will be held in room 471, Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Dentistry no later than 5:00 p.m. on June 9, 2004, to advise us of the nature of the accommodation that you need. Please contact Sharon McCullough, Board of Dentistry, 301 South Park, 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; e-mail dlibsdden@state.mt.us.

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

24.138.301 DEFINITIONS For the purposes of this chapter, the following definitions apply:

(1) "Advertisement" is any communication made or disseminated to the public in any manner designed to attract public attention to the practice of a dentist who is licensed to practice dentistry in Montana~~±.~~

(2) "Bait and switch advertising" is an alluring but insincere offer to sell a product or provide a service that the advertiser, in truth, does not intend or want to sell and which is designed to switch the consumer from purchasing the advertised product or service to another product or service, usually at a higher fee or on a basis more advantageous to the advertiser~~±.~~

(3) "Coronal polishing" is a dental procedure limited to the utilization of abrasive agents on the coronal surfaces of natural and restored teeth for the purpose of plaque and extrinsic stain removal.

(4) remains the same.

(5) "Material fact" is any fact that an ordinary, reasonable and prudent person would need to know or rely upon in making an informed decision concerning dental care or the selection of a dentist to serve his or her particular needs.

(6) remains the same.

(7) "Retired or nonpracticing dentist or dental hygienist" is a person who has surrendered or allowed the individual's license to expire for non-disciplinary reasons and has ceased to practice the individual's profession for remuneration.

(8) "Volunteer licensee" is a dentist or dental hygienist licensed according to rule to provide dental healthcare related diagnosis, care, or treatment without receiving or expecting to receive, compensation or any other form of remuneration.

AUTH: 37-4-205, 37-4-340, MCA

IMP: 37-4-101, 37-4-205, 37-4-340, 37-29-201, MCA

REASON: The 2003 Montana Legislature enacted Chapter 67, Laws of 2003 (House Bill 65), an act allowing certain retired or nonpracticing dentists and dental hygienists to provide services for indigent and uninsured persons in underserved or critical need areas. The bill was signed by the Governor on March 17, 2003, became effective on July 1, 2003, and is codified at 37-4-340, MCA.

The Board determined it is reasonable and necessary to specifically define several terms as used in the new legislation. The amendment to include these new definitions will lessen confusion for volunteer licensure applicants and will further implement the new law.

There is reasonable necessity to amend this rule to correct punctuation errors.

24.138.402 FEE SCHEDULE (1) through (19) remain the same.

<u>(20) Limited access permit application fee</u>	<u>50</u>
<u>(21) Limited access permit renewal fee</u>	<u>20</u>
<u>(22) Volunteer license, original or renewal</u>	<u>5</u>

AUTH: 37-1-131, 37-4-205, 37-4-340, 37-4-405, MCA

IMP: 37-1-134, 37-4-301, 37-4-303, 37-4-307, 37-4-340, 37-4-402, 37-4-403, 37-4-405, 37-4-406, 37-29-304, MCA

REASON: The 2003 Montana Legislature enacted Chapter 67, Laws of 2003 (House Bill 65), an act allowing certain nonpracticing and retired dentists and dental hygienists to provide services

for indigent and uninsured persons in underserved or critical need areas. The bill was signed by the Governor on March 17, 2003, became effective on July 1, 2003, and is codified at 37-4-340, MCA.

The Board determined there is reasonable necessity to amend this existing rule to delineate the cost for both original and renewal licensure of volunteer dentists and dental hygienists. The amendment will provide needed information for volunteer licensure applicants and licensees and will further implement the new law. This amendment will affect approximately 10 to 15 volunteer licensees annually. The Board estimates that approximately \$50 to \$75 in revenue will be generated annually from this new license classification, but notes that if even one dentist or dental hygienist changes from an active or inactive status to "volunteer" status, there will be net decrease in revenue. Implementation and authority cites have been amended accordingly.

The 2003 Montana Legislature enacted Chapter 172, Laws of 2003 (Senate Bill 190), an act allowing dental hygienists with limited access permits to provide dental hygiene preventative services in public health facilities under general supervision of a dentist or under public health supervision. The bill was signed by the Governor on March 28, 2003, became effective on October 1, 2003, and is codified at 37-4-405, MCA.

There is reasonable necessity to amend this existing rule to delineate the cost for both initial application and for renewal of dental hygiene limited access permits. The amendment will provide needed information for dental hygienists applying for such permits and will further implement the new law. This amendment will affect approximately 10 limited access permit hygienists annually. The Board estimates that during the first year, it will have approximately \$500 in revenue from this class of license, and thereafter annual revenue of approximately \$200. Implementation and authority cites have been amended accordingly.

24.138.508 DENTAL HYGIENE LOCAL ANESTHETIC AGENT CERTIFICATION (1) through (2)(c) remain the same.

(d) evidence of having ~~have~~ previously received a Montana dental hygiene license, or of being in the process of applying for a Montana dental hygiene license.

(3) and (4) remain the same.

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

REASON: There is reasonable necessity to amend this rule to correct a grammatical error and to delete an erroneous authority cite.

24.138.514 APPLICATION TO CONVERT AN INACTIVE STATUS LICENSE TO AN ACTIVE STATUS LICENSE (1) through (3)(a) remain the same.

(b) evidence that the applicant has actively and competently practiced in this or another jurisdiction within the last five years;

(c) through (5) remain the same.

AUTH: 37-1-319, 37-4-205, MCA

IMP: 37-1-319, 37-4-307, 37-4-406, 37-29-201, MCA

REASON: It is reasonable and necessary to amend this rule to clarify the Board's intent to allow applicants to convert an inactive status to an active status license if the applicants have actively and competently practiced either in Montana or another jurisdiction. The prior rule language inadvertently limited the reactivation option to those who had practiced outside of Montana.

24.138.519 GROUNDS FOR DENIAL OF A LICENSE

(1) Licensure may be denied based on the following grounds:

~~(1)(a)~~ Failure ~~failure~~ to meet any requirements or standards established by law or rules of the board; ~~or~~

~~(2)(b)~~ Misrepresentation ~~misrepresentation~~ of facts and information on application for licensure or renewal of license; ~~or~~

~~(3)(c)~~ Having ~~having~~ another person appear in the applicant's place for examination; ~~or~~

~~(4)(d)~~ Failure ~~failure~~ to pass the licensure examination ~~for licensure~~; or

~~(5)(e)~~ A course of conduct which would be that qualifies as grounds for discipline under 37-29-311, MCA.

AUTH: ~~37-1-137,~~ 37-1-131, 37-4-205, 37-29-201, MCA

IMP: 37-1-137, 37-29-201, ~~37-29-311,~~ MCA

REASON: There is reasonable necessity to amend this rule to delete citations to a repealed statute and to amend the authority and implementation cites for accuracy. Non-substantive formatting changes have also been made for clarity in meaning.

4. The proposed new rules provide as follows:

NEW RULE I DENTIST LICENSURE BY CREDENTIALS FOR SPECIALISTS (1) The board shall provide for licensing by credentials of out-of-state licensed specialty dentists without additional examination, except a jurisprudence examination, if the applicant:

(a) submits an application on a form provided by the board or its designee;

(b) pays the appropriate fees, including a credentialing fee, a jurisprudence exam fee, and an application fee;

- (c) certifies to the board that the dentist:
 - (i) is a graduate of a dental school accredited by the commission on dental accreditation for the American dental association (CODA), or its successor;
 - (ii) has passed the national board examination and submits an original joint commission national board score card;
 - (iii) has passed or successfully completed:
 - (A) a general dentistry clinical practice examination for licensure administered by a testing agency; and
 - (B) a specialty residency of at least two years accredited by CODA or its successor, or a specialty approved by the board;
 - (iv) is in good standing in all jurisdictions where the applicant is licensed or has held a license. If employed by the federal government, the applicant shall be in good standing with the employing federal agency;
 - (v) is currently engaged in the practice of clinical, direct patient care dentistry, as demonstrated by any or all of the following:
 - (A) address of practice location(s);
 - (B) length of time at location(s);
 - (C) certification of not less than 1,000 hours per year in clinical direct patient care dentistry;
 - (D) a letter from all malpractice insurance carriers defining years of coverage and any claims history;
 - (E) DEA registration number, if any;
 - (F) documentation from a commanding officer regarding length of service, duties and responsibilities, and any adverse actions or restrictions, if the applicant is serving in the United States federal service; or
 - (G) documentation from the dean or appropriate administration of the institution regarding length and terms of employment and the applicant's duties, responsibilities and any adverse actions or restrictions, if the applicant is employed by a dental school;
 - (vi) has completed at least 60 hours of continuing education related to clinical dentistry in the three years immediately preceding application for a Montana license. Courses submitted must meet continuing education requirements as defined in board rule; and
 - (vii) is not physically or mentally impaired by use of addictive drugs, alcohol or any other drug or substance or by mental or physical illness which, in the determination of the board, renders the applicant unfit or incapable of practicing dentistry;
- (d) submits documentation of all unresolved or adverse decisions based on complaints, investigations, review procedures or other disciplinary proceedings undertaken by a state, territorial, local or federal dental licensing jurisdiction, dental society or law enforcement agency relating to criminal or fraudulent activity, dental malpractice or negligent dental care;

(e) submits documentation from the dean or appropriate administration of the institution regarding any malpractice claims against the applicant during the applicant's residency;

(f) submits a current CPR or ACLS card;

(g) provides affidavits from three persons not related to the applicant regarding the applicant's good moral character; and

(h) submits copies of all other state professional licenses.

(2) A minimum grade of 75% is required for passage of the jurisprudence examination.

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

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

REASON: The Board has determined that it is reasonable and necessary to develop a rule to allow out-of-state licensed specialty dentists to obtain a Montana dental license by credentials with Board approval, but without having to complete additional clinical examinations. This rule will apply to applicants who have taken and passed both a clinical examination and a general dental examination and who are educated, qualified and/or experienced in a recognized dental specialty. Most dentists practicing within an approved and recognized dental specialty do not perform, or may not have performed within a substantial time period, procedures that would be tested if an additional general clinical examination were required for Montana licensure. The Board determined that to require this additional general clinical exam would be an unnecessary hardship for these specialist applicants.

NEW RULE II REINSTATEMENT OF A LICENSE FOR NON-PAYMENT OF RENEWAL FEE (1) A dentist or dental hygienist applicant requesting reinstatement must meet the requirements set forth in 37-4-307, MCA, for dentists and 37-4-406, MCA, for dental hygienists.

(2) The applicant shall make a written request and complete a form approved by the board.

(3) The applicant shall provide, but is not limited to, the following:

(a) evidence the applicant has actively and competently practiced in this or another jurisdiction within the last five years;

(b) license verification from all jurisdictions where the applicant is licensed or has held a license;

(c) evidence of continuing education as follows:

(i) 60 hours of continuing education for a dentist for the three most current renewal years; or

(ii) 36 hours of continuing education for a dental hygienist for the three most current renewal years;

(d) a current CPR or ACLS card; and

(e) any other information the board may require as evidence of operative competency.

(4) If the applicant has been out of practice for longer than five years, the applicant shall provide evidence of, but not limited to, the following:

(a) completion of:

(i) a clinical competency course(s) or skills assessment analysis approved by the board; or

(ii) a board approved regional or state examination within the most recent five years;

(b) a license verification from all jurisdictions where the applicant is licensed or has held a license;

(c) continuing education as follows:

(i) 60 hours of continuing education for a dentist for the three most current renewal years; or

(ii) 36 hours of continuing education for a dental hygienist for the three most current renewal years;

(d) a current CPR or ACLS card; and

(e) any other information the board may require as evidence of operative competency.

(5) Applicants shall take the jurisprudence examination if the applicant has not practiced in Montana within the most recent five years.

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

IMP: 37-4-307, 37-4-406, MCA

REASON: The Board determined it is reasonable and necessary to adopt a new rule to clarify how an individual applies for license reinstatement after non-payment of renewal fees. The Board wanted this new rule to be very specific in setting forth the requirements for reinstatement, in order to further facilitate the reinstatement process and to lessen any confusion among licensees.

NEW RULE III LICENSURE OF RETIRED OR NONPRACTICING DENTIST OR DENTAL HYGIENIST FOR VOLUNTEER SERVICE

(1) Retired or nonpracticing dentists and dental hygienists seeking to practice under a volunteer license shall submit, on forms provided by the board, a complete application and the following documentation:

(a) verification of graduation from a dental or dental hygiene school accredited by the American dental association commission on dental accreditation (CODA) or its successor;

(b) copies of other state licenses held;

(c) verification of licensure from any other state that the applicant is or has been licensed in;

(d) proof of operative competency by either:

(i) a verified statement that the applicant has actively and competently practiced in Montana or another jurisdiction within the last five years; or

(ii) if the applicant has been out of practice for longer than five years, the applicant shall provide, but is not limited to:

(A) proof of completion of a board approved clinical competency course(s) or skills assessment analysis; or

(B) a board approved regional or state examination within the most recent five years;

(e) verification that the applicant has maintained for at least 10 years prior to retirement, full licensure in good standing in Montana, another state or jurisdiction, Canada or the United States armed forces;

(f) a notarized statement that the applicant shall not accept any form of remuneration for any dental or dental hygiene services rendered while in possession of the volunteer license;

(g) a copy of a current ACLS or CPR card; and

(h) any other information the board may require as evidence of operative competency.

(2) The board may exempt applicants not meeting the above requirements of (1) on a case-by-case basis until July 1, 2005.

(3) The board shall review applications submitted by applicants with medically diagnosed mental or physical disabilities on a case-by-case basis.

(4) Renewal fees and late fees or a portion of such fees may be waived for eligible persons applying for licensure under this rule after July 1, 2004, upon approval of the board.

(5) Volunteer licenses must be renewed annually.

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

IMP: 37-4-340, MCA

REASON: The 2003 Montana Legislature enacted Chapter 67, Laws of 2003 (House Bill 65), an act allowing certain nonpracticing and retired dentists and dental hygienists to provide services for indigent and uninsured persons in underserved or critical need areas. The bill was signed by the Governor on March 17, 2003, became effective on July 1, 2003, and is codified at 37-4-340, MCA.

The Board believes there is reasonable necessity to adopt this new rule to implement this piece of legislation. This new rule describes the application process and licensing requirements for retired or nonpracticing dentists or dental hygienists to obtain licensure to provide professional services, on a volunteer basis, to indigent or uninsured patients in underserved or critical need areas of Montana.

NEW RULE IV SCOPE OF TREATMENT FOR VOLUNTEER LICENSEES

(1) Volunteer licensees shall practice dentistry or dental hygiene within the scope of their professional license.

(2) Volunteer licensees shall provide dental healthcare services to indigent or uninsured patients in underserved or critical need areas of the state as determined by state or federal government.

(3) Diagnosis, treatment plans, and treatment are at the discretion of the volunteer licensee, within the scope of the volunteer licensee's training, competency and qualifications.

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

REASON: The 2003 Montana Legislature enacted Chapter 67, Laws of 2003 (House Bill 65), an act allowing certain nonpracticing and retired dentists and dental hygienists to provide services for indigent and uninsured persons in underserved or critical need areas. The bill was signed by the Governor on March 17, 2003, became effective on July 1, 2003, and is codified at 37-4-340, MCA.

The Board believes there is reasonable necessity to adopt this new rule to timely implement the new legislation. This rule delineates the scope of treatment for retired or nonpracticing dentists and dental hygienists in providing professional services, on a volunteer basis, to indigent or uninsured patients in underserved or critical needs areas of Montana.

NEW RULE V DENTAL HYGIENE LIMITED ACCESS PERMIT

(1) A Montana licensed dental hygienist may submit a completed application for a limited access permit (LAP) on a form provided by the board.

(2) The board shall issue a LAP to a licensed dental hygienist who:

(a) possesses an active, unrestricted Montana dental hygiene license;

(b) certifies that the dental hygienist has actively practiced either:

(i) 2,400 clinical hours over the last three years; or

(ii) a career total of 3,000 hours, with a minimum of 350 hours in each of the last two years;

(c) provides the name of the applicant's current liability insurance carrier, and policy number and expiration date;

(d) provides evidence of completion of 12 additional continuing education credits for the three-year cycle immediately preceding LAP application; and

(e) pays all appropriate fees.

(3) A LAP dental hygienist shall maintain 48 hours of continuing education credits for each three-year cycle following initial issuance of a LAP. The 48 hours includes the 36 hours required for a dental hygiene license and an additional 12 hours required for the LAP.

(4) LAPs must be renewed annually.

AUTH: 37-1-131, 37-4-205, 37-4-301, 37-4-405, MCA
IMP: 37-4-405, MCA

REASON: The 2003 Montana Legislature enacted Chapter 172, Laws of 2003 (Senate Bill 190), an act allowing dental hygienists with limited access permits to provide dental hygiene preventative services in public health facilities under general supervision of a dentist or under public health

supervision. The bill was signed by the Governor on March 28, 2003, became effective on October 1, 2003, and is codified at 37-4-405, MCA.

The Board believes there is reasonable necessity to adopt this new rule to timely implement the new legislation. This rule defines the qualifications necessary and provides the process for a licensed dental hygienist to obtain a limited access permit (LAP), pursuant to the new legislation. Dental hygienists with LAPs can provide dental hygiene preventative services under either general supervision of a licensed dentist or public health supervision. The dental hygienist will be able to provide such dental hygiene preventative services to patients in public health facilities who, due to age, infirmity, disability, or financial constraints, would be otherwise unable to obtain regular dental care.

NEW RULE VI LIMITED ACCESS PERMIT TREATMENT GUIDELINES-PRACTICING UNDER PUBLIC HEALTH SUPERVISION (1) Pursuant to 37-4-405, MCA, the LAP dental hygienist practicing under public health supervision shall adhere to the following medical health guidelines:

(a) The LAP dental hygienist shall gather and review the patient's current medical history, including but not limited to:

- (i) diagnosed chronic diseases;
- (ii) surgical procedures;
- (iii) medications;
- (iv) drug allergies and/or adverse reactions;
- (v) blood pressure and pulse rate; and
- (vi) previous difficulty associated with dental procedures.

(b) The LAP dental hygienist may provide dental hygiene preventative services to a patient without prior physician or dentist authorization unless the patient has:

- (i) a medical condition requiring pre-medication;
- (ii) uncontrolled hypertension; or
- (iii) uncontrolled diabetes.

(c) If a patient has one or more severe systemic diseases, the LAP dental hygienist shall consult with a physician or dentist regarding the appropriateness of treatment and the conditions under which to provide dental hygiene preventative services.

(2) Pursuant to 37-4-405, MCA, the LAP dental hygienist practicing under public health supervision shall adhere to the following dental health guidelines:

(a) The LAP dental hygienist shall provide to the public health facility a disclaimer indicating that the dental hygiene preventative services provided do not preclude the need for a comprehensive examination by a licensed dentist.

(b) The LAP dental hygienist shall recommend patient referral to a licensed Montana dentist once each calendar year, or as the patient's dental health status indicates. The

patient's records shall be made available for continued comprehensive dental care.

(c) The LAP dental hygienist shall document the patient dental history and conduct a screening appraisal prior to providing dental hygiene preventative services.

(d) If a LAP dental hygienist exposes radiographs, a licensed Montana dentist shall evaluate the radiographs within 30 days of exposure.

(e) The LAP dental hygienist shall maintain a dental record including, but not limited to:

(i) adverse medical history;

(ii) dental history and charting;

(iii) results of dental screening;

(iv) summary of discussions and consultations with a physician(s) and/or dentist(s);

(v) dental hygiene preventative services provided; and

(vi) any radiographs exposed.

(f) Patient dental records shall be the responsibility of the public health facility where the dental hygiene preventative services are provided.

AUTH: 37-1-131, 37-4-205, 37-4-405, MCA

IMP: 37-4-405, MCA

REASON: The 2003 Montana Legislature enacted Chapter 172, Laws of 2003 (Senate Bill 190), an act allowing dental hygienists with limited access permits to provide dental hygiene preventative services in public health facilities under general supervision of a dentist or under public health supervision. The bill was signed by the Governor on March 28, 2003, became effective on October 1, 2003, and is codified at 37-4-405, MCA.

The Board believes there is reasonable necessity to adopt this new rule to timely implement the new legislation. The new statutory language provides that licensed dental hygienists with limited access permits (LAP) practicing in public health facilities under public health supervision shall provide treatment based upon medical and dental health guidelines adopted by board rule. This rule delineates the medical and dental health guidelines that will control the provision of such dental hygiene preventative services under public health supervision to patients who, due to age, infirmity, disability, or financial constraints, would be otherwise unable to obtain other regular dental care.

5. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Dentistry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdden@state.mt.us, and must be received no later than 5:00 p.m., June 23, 2004.

6. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/den>. The Department strives to make the electronic copy of this Notice of Public Hearing 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 website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The Board of Dentistry 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 which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Dentistry administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed 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@state.mt.us, or may be made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

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

BOARD OF DENTISTRY
PAUL SIMS, DDS, PRESIDENT

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State May 10, 2004.

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

In the matter of the adoption)	NOTICE OF PUBLIC HEARING
of rules I and II and the)	ON PROPOSED ADOPTION,
amendment of ARM 37.83.805,)	AMENDMENT AND REPEAL
37.83.820, 37.86.5102,)	
37.86.5103 and 37.86.5104 and)	
the repeal of 37.85.205)	
pertaining to the medicaid)	
restricted card program and)	
Passport to Health Program)	

TO: All Interested Persons

1. On June 10, 2004, at 1:30 p.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed adoption, amendment and repeal of the above-stated rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice or provide reasonable accommodations at the public hearing site. If you need to request an accommodation, contact the department no later than 5:00 p.m. on May 31, 2004, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphhslegal@state.mt.us.

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

RULE I PASSPORT TO HEALTH'S TEAM CARE PROGRAM (1) A recipient may be subject to restrictions on, or prior approval for, physician related services, pharmacy services or any other services covered by the medicaid program if the department determines that the recipient's utilization of service is excessive, inappropriate, or fraudulent with respect to medical need.

(2) The restrictions described in (1) may be imposed if any of the following events occur:

(a) the recipient seeks medical services that are not medically necessary;

(b) there is multiple provider usage that results in the receipt of unnecessary services;

(c) there is repeated use of emergency rooms for routine medical services;

(d) there is unwarranted multiple pharmacy usage, indicated by the use of more than three pharmacies, that results in the receipt of unnecessary prescriptions;

(e) there is admission of or conviction for forgery of medicaid drug prescriptions by the recipient; or

(f) the recipient utilizes a medicaid card in any unlawful or fraudulent manner.

(3) The department will use payment records, reports from medical consultants, provider referrals or other pertinent recipient or service information, to determine if recipient overutilization, or other abuses, have occurred.

(4) A recipient's restriction does not apply to other members of the household.

(5) Restriction of medicaid services may include limiting a recipient to a designated provider or providers or requiring the recipient to obtain department approval to receive non-emergent services. A recipient with restricted services is participating in the team care program. Medicaid payment for medical services provided to a team care participant will only be made to the recipient's designated provider(s) except:

(a) when emergency services, as defined at ARM 37.82.102(11), are required;

(b) when the designated provider refers the recipient to another provider; or

(c) when the department approved the service prior to performance.

(6) A recipient restricted to the team care program is required to participate in the passport to health program set forth in this subchapter unless the recipient is ineligible, as that term is defined in ARM 37.86.5102.

(7) A recipient whose medical service usage meets the criteria for restriction listed in (2), but who is ineligible for the passport to health program for the reasons listed in ARM 37.86.5102, may be required to participate in the team care program. A recipient living in a nursing home or institutional setting or a recipient whose eligibility period is only retroactive cannot be required to participate in either the passport for health or the team care programs.

(8) The department will notify a recipient in writing at least 10 days prior to the date of the intended action restricting medical services paid by the medicaid program.

(9) The department will determine the provider type to which the recipient is restricted (pharmacy, physical health provider or both). The recipient will have an opportunity to choose the recipient's primary care provider and pharmacy unless:

(a) the department determines that the selected provider has been sanctioned by the department in accordance with ARM 37.85.501;

(b) the designated review organization has determined that the selected provider has not properly managed the medical care of a recipient who has been restricted; or

(c) the selected provider will not accept the recipient as a patient.

(10) The recipient will have 10 days from the date of notification of restriction by the department to choose a primary care provider and a pharmacy provider. If the recipient

does not choose a primary care provider and a pharmacy provider within 10 days, a primary care provider and a pharmacy will be selected for the recipient. If the department is unable to obtain a primary provider for the restricted recipient, all non-emergency services must be prior authorized by the department.

(11) A restricted recipient may request a change of provider. The request must be in writing and submitted to the department for approval. Provider changes will not be approved unless the department determines that there is good cause for the requested provider change. The department will have 30 days to take action on the request.

(12) The department will review all restricted recipients annually unless the recipient's medical service usage indicates an earlier review should occur. Restriction may be continued if:

(a) the department determines the recipient's use of services has remained excessive or unnecessary. Examples of excessive or unnecessary usage include, but are not limited to, those listed in (2);

(b) the designated provider recommends, with supporting rationale, that the recipient should remain restricted; or

(c) the recipient has received or attempted to receive medicaid services not authorized under the restricted card program.

(13) A recipient aggrieved by an adverse departmental action under this rule may request a fair hearing in accordance with ARM 37.5.304, 37.5.305, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334 and 37.5.337.

AUTH: Sec. 53-6-113, MCA

IMP: Sec. 53-6-104 and 53-6-113, MCA

RULE II TEAM CARE PROGRAM: REIMBURSEMENT

(1) Reimbursement for team care case management services is \$6.00 a month for each enrollee.

(2) A provider may be reimbursed for team care case management for an enrollee for a month during which case management or medical care was not provided to the enrollee if the primary care provider is otherwise in compliance with the agreement with the program.

(3) Medicaid services authorized or provided by a primary care provider are reimbursed as provided in ARM Title 37, chapters 40, 82, 83, 85, 86 and 88.

(4) Services listed in ARM 37.86.5110(1) provided to enrollees are not reimbursable unless provided or authorized by an enrollee's primary care provider in accordance with these rules.

AUTH: Sec. 53-6-113, MCA

IMP: Sec. 53-6-104 and 53-6-113, MCA

3. The rules as proposed to be amended provide as follows. Matter to be added is underlined. Matter to be

deleted is interlined.

37.83.805 QUALIFIED MEDICARE BENEFICIARIES, GENERAL REQUIREMENTS (1) A qualified medicare beneficiary is subject to the requirements in the following rules- :

- (a) ~~ARM 46.12.216 [RULE I]~~ concerning prior approval and restrictions on provider; and
- (b) ARM 37.82.206 concerning the provisions of assistance.

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-6-101, 53-6-113, 53-6-116 and 53-6-131, MCA

37.83.820 QUALIFIED MEDICARE BENEFICIARIES, FREE CHOICE OF PROVIDERS (1) Any qualified medicare beneficiary may obtain services from any institution, agency, pharmacy, or practitioner licensed and qualified to perform such services and participating under the medicaid program, unless the department restricts the person's access to services as provided for in ~~ARM 46.12.216 [RULE I]~~.

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-6-101, 53-6-113, 53-6-116 and 53-6-131, MCA

37.86.5102 PASSPORT TO HEALTH PROGRAM: DEFINITIONS

(1) through (3) remain the same.

(4) "Emergency service" means, as defined at ARM 37.82.102~~(5)~~(11), inpatient and outpatient services that are necessary to treat an emergency medical condition.

(5) through (7) remain the same.

(8) "Exempt" means medicaid recipients who are ~~not eligible~~ eligible for managed care ~~who can prove but are able to establish~~ it would be a hardship to participate in a managed care program. The department has the discretion to determine hardship and to place time limits on all exemptions on a case by case basis.

(9) "Ineligible" means a medicaid recipients who are is not allowed by the department to be under participate in a managed care and may stay on program, such as the passport program, but is eligible for regular medicaid. The following categories of recipients are ineligible for the passport program:

(a) recipients with a spend down (medically needy) requirement;

(b) remains the same.

(c) recipients receiving medicaid for less than ~~3~~ three months;

~~(d) recipients on the medicaid restricted card program;~~

(e) through (k) remain the same but are renumbered (d) through (j).

(10) through (14) remain the same.

(15) "Team care" means a program for recipients identified as inappropriate utilizers of the medicaid program as set forth in [RULE I]. A medicaid recipient living in a nursing home or institutional setting and a recipient whose eligibility period

is limited to a retroactive period only are ineligible for the team care program.

(15) remains the same but is renumbered (16).

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-6-113 and 53-6-116, MCA

37.86.5103 PASSPORT TO HEALTH PROGRAM: ELIGIBILITY

(1) through (2)(b) remain the same.

(3) A non-pregnant, medicaid recipient 21 years of age or older and eligible for medicaid as a participant in the ~~FAIM TANF~~ welfare demonstration project as required at ARM 37.78.101, et seq., must enroll in an HMO unless an HMO is not available or the available HMOs are at capacity.

(4) At the department's discretion, medicaid recipients who are exempted from participation, as defined in ARM 37.86.5102(9) (8), may elect to enroll in a passport to health program by choosing a primary care provider from a county that the program serves, unless the recipient is ineligible.

~~(5) Enrollment in the program is indicated by the appearance of the name and 24 hour telephone number of the primary care provider on the medicaid card.~~

~~(6) Participation in the program begins when an enrollee's medicaid card denotes the primary care provider for the enrollee.~~

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-6-113, 53-6-116 and 53-6-117, MCA

37.86.5104 PASSPORT TO HEALTH PROGRAM: ENROLLMENT IN THE PROGRAM (1) ~~A~~ The department will notify a medicaid recipient required by ARM 37.86.5103 to enroll in the program is notified by the department that the recipient must enroll in the program.

(2) The recipient required to enroll in the program must select a primary care provider within 45 days of being notified of the enrollment requirement. For team care program recipients, enrollment with a provider will be as required in [RULE I].

(3) If the recipient does not choose a provider within 45 days of the notification, the department may designate a primary care provider for the recipient. For team care program recipients, enrollment with a provider will be as required in [RULE I].

(4) remains the same.

(5) An enrollee may choose a new primary care provider up to once per month. For team care program recipients, a change of provider may be made in accordance with [RULE I]. The frequency of a recipient's request to change providers will be monitored by the department.

~~(a) The change is effective when the name of the new primary care provider appears on the enrollee's medicaid card.~~

~~(b) The frequency of a recipient's request to change providers will be monitored by the department.~~

~~(c) A recipient who frequently changes primary care~~

~~providers without good cause may be removed from the program and be placed in the medicaid restricted card program as provided in ARM 37.85.205.~~

(6) remains the same.

AUTH: Sec. 53-2-201 and 53-6-113, MCA

IMP: Sec. 53-6-113 and 53-6-116, MCA

4. The rule 37.85.205 as proposed to be repealed is on page 37-19443 of the Administrative Rules of Montana.

AUTH: Sec. 53-6-113, MCA

IMP: Sec. 53-6-104, MCA

5. Section 53-6-113(1), MCA, authorizes the Department of Public Health and Human Services (DPHHS) to adopt rules necessary for the administration of the Montana Medicaid program. Section 53-6-113(2), MCA, requires DPHHS to provide Medicaid services in the most cost effective manner available. These rule changes for the Team Care Program are necessary to provide more effective cost management. These rules are also intended to improve health care to recipients by improving coordination of medical services, including pharmacy services. The alternative of making no such regulatory change was rejected because of the Department's statutory obligations, cited above.

These rule changes are necessary to redesign the Restricted Card Program and change the program name to the Team Care program. DPHHS established the Restricted Card program, which has existed for many years, to control the overutilization of Medicaid services. It attempted to restrict serious overutilizers of medical services to one provider and one pharmacy. Like the Restricted Card Program, Team Care also restricts overutilizers of medical services to one primary care provider and one pharmacy. The Team Care program is needed to build upon the current program and increase its effectiveness by managing it through the Passport program and drawing on the services now available to Montana Medicaid through its care management program.

The Passport program is Montana Medicaid's primary care case management program. It is not a restricted access program but it has been effective in saving Medicaid dollars and improving health care delivery to recipients. The Team Care program is not, however, limited to Medicaid recipients eligible to participate in the Passport program.

Rule I

DPHHS proposes to repeal ARM 37.85.205 and replace it with Rule I, which repeats the existing language of ARM 37.85.205 with additional language necessary to refer to the Team Care program. The language of ARM 37.85.205 needs to be moved from the general Medicaid chapter to the chapter containing the Passport rules

because the Team Care program will be administered through the Passport program. The clarity of the department's rules will be improved by the renumbering.

Rule II

Administering the restricted care program as Team Care in the Passport program allows Montana Medicaid to pay participating providers a \$6 per member per month case management fee, which may increase provider participation, thus increasing program effectiveness. Payment of less money would lessen the incentive to participate, while more would tax the current funding available.

ARM 37.83.805 and 37.83.820

These amendments are to change cross references from ARM 46.12.216, an out-of-date reference to a rule that was transferred and renumbered as ARM 37.85.205, which in turn is being repealed and replaced by new Rule I.

ARM 37.86.5102, 37.86.5103 and 37.86.5104

The amendments to these rules incorporate the Team Care program into the Passport program. DPHHS will use Montana Medicaid's established and successful provider network and enrollment system to attempt to control overutilization of Medicaid services, which is needed to help control costs and improve medical care.

Most, but not all, Medicaid recipients may be included in Team Care if their utilization of medical services indicates restriction is appropriate. Some recipients who are not eligible for Passport may be included in Team Care if warranted. Those are recipients with a spend down requirement, recipients receiving Medicaid for less than three months, recipients who have Medicare coverage, recipients who live in an area without Medicaid managed care, recipients who are in the eligibility subgroup of subsidized adoption, recipients who cannot find a primary care provider to provide case management, recipients who receive home and community services for persons who are aged or disabled, and recipients who reside in a county in which there are not enough primary care providers to serve the Medicaid population.

Recipients living in a nursing home or institutional setting and recipients whose eligibility period is retroactive will not be included in the Team Care Program. Their inclusion is not necessary because the likelihood of unnecessary use of services by these individuals is remote and does not warrant the administrative expense associated with the program.

The rules are also being amended to state that there is no longer a Passport provider listed on the Medicaid card. All

references to that have been removed. This change was necessarily made because DPHHS has already changed to a "hard card" Medicaid card, rather than a monthly Medicaid card, and the provider's name does not appear on the Medicaid "hard card". This change to the language of the rule is necessary to conform the rules to the change to the "hard card" made earlier.

Implementation of these rule changes will not increase DPHHS administrative costs. The program is intended to decrease Montana Medicaid expenditures by approximately \$500,000.00 by improving program efficiency. These rule changes will affect all participating physicians, hospitals and pharmacists and would affect approximately 1,000 Medicaid recipients. Approximately 200 currently participate in the Restricted Card program.

6. Interested 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 Kathy Munson, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than 5:00 p.m. on June 17, 2004. Data, views or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@state.mt.us. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

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

Eleanor A. Parker
Rule Reviewer

Russ Cater for
Director, Public Health
and Human Services

Certified to the Secretary of State May 10, 2004.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the transfer) NOTICE OF TRANSFER
of ARM 4.6.103, 4.6.104, and)
4.6.105 relating to the)
Montana potato research and)
development program)

TO: All Concerned Persons

1. On April 8, 2004, the Department of Agriculture published MAR Notice No. 4-14-149 regarding the proposed transfer of the above-stated rules relating to the Montana potato research and development program at page 692 of the 2004 Montana Administrative Register, Issue Number 7.

2. The agency has transferred ARM 4.6.103 (4.6.201), 4.6.104 (4.6.202) and 4.6.105 (4.6.203) exactly as proposed.

3. No comments or testimony were received.

DEPARTMENT OF AGRICULTURE

/s/ W. Ralph Peck
Ralph Peck
Director

/s/ Tim Meloy
Tim Meloy, Attorney
Rule Reviewer

Certified to the Secretary of State, May 10, 2004.

BEFORE THE MONTANA STATE LIBRARY
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 10.102.5102 pertaining)
to the allocation of funding)
between federations and grant)
programs)

TO: All Concerned Persons

1. On March 25, 2004, the Montana State Library published MAR Notice No. 10-100-8 regarding the public hearing on the proposed amendment of the above-stated rule at page 608, 2004 Montana Administrative Register, issue number 6.

2. A public hearing was held at the Montana State Library on April 19, 2004.

3. The Library has amended ARM 10.102.5102 exactly as proposed.

4. No comments or testimony were received.

By: /s/ Al Randall
Al Randall, Chairperson
State Library Commission

By: /s/ Karen Strege
Karen Strege, State Librarian
Montana State Library

Certified to the Secretary of State May 10, 2004.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption) NOTICE OF ADOPTION
of New Rule I (42.20.171))
relating to property taxes)

TO: All Concerned Persons

1. On March 11, 2004, the department published MAR Notice No. 42-2-733 regarding the proposed adoption of New Rule I and amendment of ARM 42.20.625 relating to property taxes at page 557 of the 2004 Montana Administrative Register, issue no. 5.

2. A public hearing was held on March 31, 2004, to consider the proposed adoption and amendment. The department withdrew its proposal to amend ARM 42.20.625 at the hearing because they would like to further amend additional rules in this chapter regarding eligibility. It would be more appropriate to make the amendment that had been proposed to ARM 42.20.625 with the upcoming amendments rather than at this time.

The change that the department intends to propose will make it easier for parcels under 20 acres in size to be considered dry land classifications. They will better address situations where production of the land is not marketed but rather consumed by animals. Those changes will also ensure that in summer fallow operations, where the \$1,500 annual income that can be produced, can be produced every other year in terms of the growing season. Right now there is some concern that the department would require \$1,500 annual gross income each and every year. However, if you have something in fallow situation the property owner would not be producing.

3. Oral testimony received at the hearing is summarized as follows along with the response of the department:

COMMENT NO. 1: Dale Hankins, Chouteau County Planner, stated that he appreciated the efforts to clarify this process and that that the department staff had made a presentation in Chouteau County regarding the six-year appraisal cycle. He mentioned that he was concerned that the statement in New Rule I, which states, "on January 1 of each year, the department shall ascertain the correct land classification," will mean the six-year reappraisal or assessment that has occurred in the past would now be an annual review.

RESPONSE NO. 1: There is still a six-year reappraisal cycle where the department takes a look at all of the property in the state and revalues it. This particular reference refers to the statutory requirement that each land is classified correctly. In other words, the land is classified as agricultural land, tract land, or forestland. This text is

referring to a change of use that may occur from one year to another.

COMMENT NO. 2: Dale Hankins asked, "under the definition of 'owner' where does the corporation fall into the classification?" Mr. Hankins stated that he realizes the rule has been withdrawn but would like the department to clarify this issue when the rule is proposed again.

RESPONSE NO. 2: The department welcomes any proposed language Mr. Hankins may offer regarding this rule. In agricultural eligibility, the first test is ownership. If a parcel is classified under a corporate name, another one under an individual's name, and another under the spouse's name, each would have to stand alone to meet the agricultural eligibility test. The law is very specific that the first determining factor applies to the titled ownership.

COMMENT NO. 3: Representative John Witt, House District 89, testified that he was concerned about the department's application with regard to ownership and "doing business as" (d/b/a). He stated that in some cases the ownership is the same person but they are doing business as something else and not necessarily as a corporation. He further stated that he believes the ownership is the same in those cases. He suggested that there should be more clarification in those instances.

Representative Witt thanked the department for their efforts of addressing his concerns and his constituents' concerns. He stated he appreciates the opportunity to bring some issues to the department's attention.

He thanked the department for developing a program to search out agricultural parcels that are not being taxed properly. He indicated that it is his hope that in the department's effort to look for those properties that might not have been properly assessed, other properties may be located that perhaps have fallen through the cracks. He suggested that the goal should be to have agricultural producers treated equally and that each county is operating in the same manner.

Representative Witt stated he appreciates the extra effort the department took to look into his concerns and make the effort to correct these concerns in a timely manner. He is hopeful that there will be a statewide review of all agriculture properties to determine if those properties are appropriately appraised.

He further stated he is not sure that the definition within the code is clear as to what "constitutes an agricultural producer." He asked the department to clarify the definition of an agricultural producer. He also asked what was the definition of "agricultural land?"

RESPONSE NO. 3: The department thanks Representative Witt for his comments and the assistance he has provided to

the department as well. With regard to the definition of "agricultural producer," the department believes it is any individual who has acreage under their ownership that can demonstrate that it can produce and market from the land \$1,500 of annual gross income.

Based on what the law says, "agricultural land" is land as it is defined in the statute. That would be land that can demonstrate an annual gross income of \$1,500 from the product that is marketed from the land, or it is any land that is greater than 160 acres that doesn't have covenants prohibiting agricultural use.

COMMENT NO. 4: Representative Witt requested that he be notified earlier in the future of any proposed rule changes for other agricultural rules the department may be contemplating. He thought the department should have notified a legislator of this proposed action earlier in the process.

RESPONSE NO. 4: The department apologizes that he was not notified earlier during the draft stages of this proposal process but the department has added Representative Witt to the "Interested Parties" mailing list for all future agricultural rules.

COMMENT NO. 5: John Youngberg, Montana Farm Bureau, testified that the Farm Bureau had no problem with New Rule I as it was published. The Farm Bureau would like to have an opportunity to comment about any future rule changes that are agricultural related. He also asked if the department intended to use negotiated rulemaking for the amendments the department proposes to promulgate later this spring.

RESPONSE NO. 5: Mr. Youngberg's name was added to the "Interested Parties" list. The department generally uses an informal process of negotiated rulemaking where interested parties are invited to participate in the drafting, review and approval of the rules. This will be the forum chosen for the upcoming agricultural rule amendments in May or June.

COMMENT NO. 6: Representative Witt asked if the department was already applying the changes that they intend to propose with the future rule amendments?

RESPONSE NO. 6: The department has been training the department staff on this new application statewide because of the large geographic area that must be covered.

COMMENT NO. 7: Representative Witt asked how the department could start a new process, change classification, build a new program, and put it into effect without a public hearing on those administrative rule changes.

RESPONSE NO. 7: The department believes that the changes that are being made at this time are more appropriate to what

the law directs us to do rather than the detail that the rules may address. The department believes that the process being developed will be a much better treatment of taxpayers' interests but are not specific to just rules that may be considered.

COMMENT NO. 8: Richard Owen, Montana Grain Growers Association, asked whether government payments would count towards the \$1,500 of income.

He also asked, "how a person would prove what the underlying base for farmland was?"

RESPONSE NO. 8: Government payments are counted toward the \$1,500 in the 20 to 160 acre category.

This would include such things as the bushels of grain produced. In other words, the productivity from the land would be the base for farmland.

COMMENT NO. 9: Representative Witt stated in previous meetings with the department, he and the staff had discussed Conservation Reserve Program (CRP) and farm funds. He asked if the department's position changed on those issues because it seemed like there had been questions about why some government subsidy payments qualified and some did not?

RESPONSE NO. 9: The department is not aware of any that would not be allowed in the 20 to 160 acre category. However, there may be other situations that could disqualify parcels for those benefits.

COMMENT NO. 10: Representative Witt asked about paragraph 3 in the proposal notice, which states, "the proposed new rule does not replace or modify any section currently found in the Administrative Rules of Montana". He questioned whether this rule was in fact changing something currently in the rules.

RESPONSE NO. 10: The proposed New Rule I does not modify any section of the current rules. It is just an attempt to provide some examples to clarify what would happen when the land use changed.

COMMENT NO. 11: Representative Witt asked what process the department intends to take to amend other rules regarding agricultural classifications. He asked if the department would hold separate hearings for each of the proposed changes or would a single hearing be held to address all the changes?

RESPONSE NO. 11: The department will look at the basic rules in Chapter 20 and address all the eligibility rules at one time.

COMMENT NO. 12: Representative Witt asked if the department intended to include specific statewide training as

part of the changes that will be proposed with the other rule revisions. He voiced a concern that there is disparity across the state with regard to the application of classifications for the agricultural properties.

RESPONSE NO. 12: The department is not aware of any cases where property owners are being treated differently. However, if Representative Witt has examples of cases where that has occurred, the department would like to know about those instances so they can be addressed.

COMMENT NO. 13: Dale Hankins, Chouteau County Planner, mentioned that there seems to be a lot of difference in how the land is used. Under Montana codes, under the subdivision statutes, there are a few exemptions as to breaking out a parcel of land from another parcel but if the land doesn't qualify for one of those exemptions, one of those being agricultural land, then it is legally classified as a subdivision if it is under 160 acres. Under the agricultural exemption, Montana code allows at the local level a covenant to be signed whereby the owner of that land declares its agricultural use. It doesn't really get into the complexity of animal unit months, production, and revenues. It seems, for the purposes of clarity, there could be some consideration of blending Department of Revenue administrative rules with subdivision laws. There are the same numbers, 20 acres, 160 acres, etc. It seems like the problems that the Planner's Office reviews are not as complex but are along the same line and issues.

RESPONSE NO. 13: The department appreciates the observation regarding these similarities but it is bound by the statutory criteria for determining the proper classification of all properties in Montana.

4. The department adopts New Rule I (ARM 42.20.171) as proposed.

5. An electronic copy of this Adoption Notice is available through the Department's site on the World Wide Web at <http://www.discoveringmontana.com/revenue>, under "for your reference;" "DOR administrative rules;" and "upcoming events and proposed rule changes." The Department strives to make the electronic copy of this Adoption 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 website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Don Hoffman
DON HOFFMAN
Acting Director of Revenue

Certified to Secretary of State May 10, 2004

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 PO 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) 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
Number and
Department | 2. Go to cross reference table at end of each title which lists MCA section numbers and 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 March 31, 2004. This table includes those rules adopted during the period April 1, 2004 through June 30, 2004 and any proposed rule action that was pending during the past six-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2004, 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 2003 and 2004 Montana Administrative Registers.

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

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BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in April 2004, appear. Vacancies scheduled to appear from June 1, 2004, through August 31, 2004, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of May 6, 2004.

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

BOARD AND COUNCIL APPOINTEES FROM APRIL 2004

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Hail Insurance (Agriculture)			
Mr. Keith Arntzen Hilger	Governor	reappointed	4/18/2004 4/18/2007
Qualifications (if required): public member			
Board of Optometry (Labor and Industry)			
Dr. Douglas McBride Billings	Governor	reappointed	4/13/2004 4/3/2008
Qualifications (if required): optometrist			
Board of Plumbers (Labor and Industry)			
Mr. Scott Lemert Livingston	Governor	Nelson	4/29/2004 5/4/2007
Qualifications (if required): master plumber			
Board of Research and Commercialization Technology (Commerce)			
Mr. Michael Dolson Hot Springs	Governor	Belcourt	4/26/2004 7/1/2004
Qualifications (if required): Native American			
Commission on Practice of the Supreme Court (Supreme Court)			
Ms. Carey E. Matovich Billings	elected	not listed	4/4/2004 4/4/2008
Qualifications (if required): elected			
Department of Corrections Advisory Council (Corrections)			
Ms. Carol Stratemeyer Hamilton	Governor	Boutillier	4/6/2004 12/12/2005
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2004

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Council on Organ and Tissue Donor Awareness (Public Health and Human Services)			
Ms. Maggie Allen Missoula	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): representative of donor families			
Mr. Paul Buck Missoula	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): ex-officio member			
Ms. Maggie Bullock Helena	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): representative of the Department of Public Health and Human Services			
Ms. Jan Hendrix Kalispell	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): ex-officio member			
Ms. Jennifer Keck Conrad	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): representative of donor recipients			
Mr. Ted Marchion Anaconda	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): representative of donor recipients			
Gov. Judy Martz Helena	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): representative of donor families and state government			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2004

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Governor's Council on Organ and Tissue Donor Awareness (Public Health and Human Services)			
cont.			
Rev. Kenneth Mottram Kalispell	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): representative of clergy			
Mr. John Pipe Wolf Point	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): organ donor recipient and a Native American			
Mr. Tim Reardon Helena	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): organ donor recipient			
Mr. Dean Roberts Helena	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): representative of the Department of Justice			
Ms. Sandi Stroot Superior	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): ex-officio member			
Ms. Rosemary Wolter Billings	Governor	not listed	4/14/2004 4/14/2006
Qualifications (if required): family donor and businessperson			
Great Falls College of Technology-MSU Executive Board (University System)			
Ms. Susan Humble Great Falls	Governor	reappointed	4/19/2004 4/15/2007
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2004

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Helena College of Technology-UM Executive Board (University System)			
Mr. Ron Mercer	Governor	reappointed	4/19/2004
Helena			4/15/2007
Qualifications (if required): public member			
Montana Children's Trust Fund Board (Public Health and Human Services)			
Ms. Shirley Brown	Governor	reappointed	4/21/2004
Helena			1/1/2007
Qualifications (if required): representative of the Department of Public Health and Human Services			
Ms. Betty Hidalgo	Governor	reappointed	4/21/2004
Great Falls			1/1/2007
Qualifications (if required): public member			
Rep. Betty Lou Kasten	Governor	reappointed	4/21/2004
Brockway			1/1/2007
Qualifications (if required): representative of the public			
Ms. Jan Lombardi	Governor	Birch	4/21/2004
Helena			1/1/2007
Qualifications (if required): representative of the Office of Public Instruction			
Mr. Ed Randall	Governor	Bryan	4/21/2004
Butte			1/1/2007
Qualifications (if required): public member			
Montana Council on Homelessness (Public Health and Human Services)			
Mr. Ed Amberg	Governor	not listed	4/29/2004
Warm Springs			4/29/2006
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2004

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Council on Homelessness (Public Health and Human Services) cont.			
Mr. Bob Anderson Helena Qualifications (if required): public member	Governor	not listed	4/29/2004 4/29/2006
Mr. Gordon Belcourt Billings Qualifications (if required): public member	Governor	not listed	4/29/2004 4/29/2006
Mr. Joe Bichof Missoula Qualifications (if required): public member	Governor	not listed	4/29/2004 4/29/2006
Mr. Bob Buzzas Bozeman Qualifications (if required): public member	Governor	not listed	4/29/2004 4/29/2006
Mr. Mike Ferriter Helena Qualifications (if required): public member	Governor	not listed	4/29/2004 4/29/2006
Mr. Joe Foster Helena Qualifications (if required): public member	Governor	not listed	4/29/2004 4/29/2006
Ms. Lori Hartford Billings Qualifications (if required): public member	Governor	not listed	4/29/2004 4/29/2006
Mr. Gordon Higgins Helena Qualifications (if required): public member	Governor	not listed	4/29/2004 4/29/2006

BOARD AND COUNCIL APPOINTEES FROM APRIL 2004

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Council on Homelessness (Public Health and Human Services) cont.			
Mr. Hank Hudson Helena	Governor	not listed	4/29/2004 4/29/2006
Qualifications (if required): public member			
Mr. Donald P. Ketchum Denver, CO	Governor	not listed	4/29/2004 4/29/2006
Qualifications (if required): public member			
Mr. Roland Mena Helena	Governor	not listed	4/29/2004 4/29/2006
Qualifications (if required): public member			
Ms. Sherry Scheel Matteucci Missoula	Governor	not listed	4/29/2004 4/29/2006
Qualifications (if required): public member			
Mr. Eric Sells Missoula	Governor	not listed	4/29/2004 4/29/2006
Qualifications (if required): public member			
Mr. Mark A. Simonich Helena	Governor	not listed	4/29/2004 4/29/2006
Qualifications (if required): public member			
Mr. Terry Teichrow Helena	Governor	not listed	4/29/2004 4/29/2006
Qualifications (if required): public member			
Montana State University-Billings Executive Board (University System)			
Ms. Carol Willis Billings	Governor	reappointed	4/19/2004 4/15/2007
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2004

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana State University Executive Board (University System)			
Ms. Beatrice Taylor Bozeman	Governor	reappointed	4/19/2004 4/15/2007
Qualifications (if required): public member			
Montana State University-Northern Executive Board (University System)			
Ms. Karen Myers Havre	Governor	Ross	4/19/2004 4/15/2007
Qualifications (if required): public member			
Montana Tech of the University of Montana Executive Board (University System)			
Mr. Tad Dale Butte	Governor	reappointed	4/19/2004 4/15/2007
Qualifications (if required): public member			
Public Employees' Retirement Board (Administration)			
Mr. Jay Klawon Hamilton	Governor	reappointed	4/1/2004 4/1/2009
Qualifications (if required): experienced in investment management			
Mr. James A. Pierce Livingston	Governor	reappointed	4/26/2004 4/1/2009
Qualifications (if required): public employee who is a member of the defined contribution plan			
University of Montana Executive Board (University System)			
Ms. Arlene Breum Missoula	Governor	reappointed	4/19/2004 4/15/2007
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM APRIL 2004

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
University of Montana-Western Executive Board (University System)			
Mr. Max Nield	Governor	Iverson	4/19/2004
Dillon			4/15/2007
Qualifications (if required): public member			
Youth Justice Council (Justice)			
Ms. Christina Gilert	Governor	Aune	4/5/2004
Helena			6/20/2005
Qualifications (if required): youth representative			
Ms. Joy Mariska	Governor	Peake	4/5/2004
Billings			6/20/2005
Qualifications (if required): government representative			

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Aging Advisory Council (Public Health and Human Services)		
Mr. Bud Clinch, Libby Qualifications (if required): public member	Governor	7/18/2004
Mr. Clayton Croff, Billings Qualifications (if required): public member	Governor	7/18/2004
Ms. Chuckie Cramer, Helena Qualifications (if required): public member	Governor	7/18/2004
Ms. Pat Ludwig, Chester Qualifications (if required): public member	Governor	7/18/2004
Board of Funeral Services (Commerce)		
Mr. David G. Fulkerson, Plentywood Qualifications (if required): licensed mortician	Governor	7/1/2004
Board of Hearing Aid Dispensers (Commerce)		
Mr. David E. King, Billings Qualifications (if required): nationally certified audiologist with a master's level college degree	Governor	7/1/2004
Board of Landscape Architects (Commerce)		
Mr. Stacey Robinson, Billings Qualifications (if required): landscape architect	Governor	7/1/2004
Board of Nursing (Commerce)		
Ms. Vickie Badgley, Stevensville Qualifications (if required): LPN	Governor	7/1/2004
Ms. Alma Gretchen McNeely, Bozeman Qualifications (if required): RN/educator	Governor	7/1/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Pharmacy (Commerce) Mr. Albert A. (Tony) Fisher, Billings Qualifications (if required): licensed pharmacist	Governor	7/1/2004
Board of Physical Therapy Examiners (Labor and Industry) Mr. Bruce Lamb, Havre Qualifications (if required): physical therapist	Governor	7/1/2004
Board of Private Security Patrol Officers and Investigators (Labor and Industry) Mr. Gary Gray, Great Falls Qualifications (if required): representative of a contract security company	Governor	8/1/2004
Mr. Charles Geary, Belt Qualifications (if required): representative of a proprietary security organization	Governor	8/1/2004
Board of Public Accountants (Commerce) Mr. Patrick Hanley, Billings Qualifications (if required): certified public accountant	Governor	7/1/2004
Board of Regents (Education) Mr. Christian Hur, Missoula Qualifications (if required): student representative	Governor	7/1/2004
Board of Research and Commercialization Technology (Commerce) Mr. Michael Dolson, Hot Springs Qualifications (if required): Native American	Governor	7/1/2004
Board of Sanitarians (Commerce) Mr. Ted Kylander, Billings Qualifications (if required): sanitarian	Governor	7/1/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Veterans' Affairs (Military Affairs) Mr. Donald Kettner, Glendive Qualifications (if required): veteran	Governor	8/1/2004
Board of Veterinary Medicine (Commerce) Dr. John Smith, Three Forks Qualifications (if required): licensed veterinarian	Governor	7/31/2004
Board of Water Well Contractors (Natural Resources and Conservation) Mr. Pat Byrne, Great Falls Qualifications (if required): water well contractor	Governor	7/1/2004
Burial Preservation Board (Administration) Mr. Mickey Nelson, Helena Qualifications (if required): representative of the Montana Coroners Association	Governor	8/22/2004
Mr. Duncan Standing Rock, Sr., Box Elder Qualifications (if required): representative of the Chippewa-Cree Tribe	Governor	8/22/2004
Mr. George Reed, Sr., Crow Agency Qualifications (if required): representative of the Crow Tribe	Governor	8/22/2004
Ms. Sherri Deaver, Billings Qualifications (if required): representative of the Archeological Society	Governor	8/22/2004
Mr. Ben Speak Thunder, Harlem Qualifications (if required): representative of the Fort Belknap Tribe	Governor	8/22/2004
Mr. Ryan C. Rusche, Wolf Point Qualifications (if required): attorney	Governor	8/22/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Commission on Community Service (Labor and Industry)		
Mr. Erik Burke, Helena Qualifications (if required): representing labor unions	Governor	7/1/2004
Ms. Wendy Keating, Helena Qualifications (if required): representative of the Department of Labor and Industry	Governor	7/1/2004
Ms. Erin Butts, Bigfork Qualifications (if required): representing youth	Governor	7/1/2004
Committee on Telecommunications Access Services for Persons with Disabilities (Public Health and Human Services)		
Mr. Ben Havdahl, Helena Qualifications (if required): hard of hearing	Governor	7/1/2004
Mr. Ron Bibler, Great Falls Qualifications (if required): disabled	Governor	7/1/2004
Mr. Joe Mathews, Helena Qualifications (if required): representative of Department of Public Health and Human Services	Governor	7/1/2004
Ms. Chris Huth, Helena Qualifications (if required): non-disabled businessperson	Governor	7/1/2004
Mr. Jeff Brandt, Helena Qualifications (if required): representative of the Department of Administration	Governor	7/1/2004
District Court Council (Supreme Court)		
Judge Thomas M. McKittrick, Great Falls Qualifications (if required): none specified	elected	6/30/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
District Court Council (Supreme Court) cont. Mr. Glen Welch Qualifications (if required): nonvoting member	Supreme Court	6/30/2004
Eastern Montana State Veterans Cemetery Advisory Council Mr. Tom Handl, Miles City Qualifications (if required): Veterans of Foreign Wars	(Military Affairs) Director	6/1/2004
Mr. Tony Harbaugh, Miles City Qualifications (if required): Custer County Sheriff	Director	6/1/2004
Mr. James F. Jacobsen, Helena Qualifications (if required): none specified	Director	6/1/2004
Mr. Henry "Bill" Hopkins, Ismay Qualifications (if required): Disabled American Veterans	Director	6/1/2004
Ms. Betty Hopkins, Ismay Qualifications (if required): Disabled American Veterans Auxiliary	Director	6/1/2004
Mr. Bob Beals, Forsyth Qualifications (if required): American Legion	Director	6/1/2004
Ms. Linda Dolatta, Terry Qualifications (if required): American Legion Auxiliary	Director	6/1/2004
Mr. Bill Dolatta, Terry Qualifications (if required): Vietnam Veterans of America	Director	6/1/2004
Mr. Jim Bertrand, Miles City Qualifications (if required): Veterans of Foreign Wars	Director	6/1/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Eastern Montana State Veterans Cemetery Advisory Council	(Military Affairs) cont.	
Mr. Stanley Watson, Forsyth	Director	6/1/2004
Qualifications (if required): Marine Corps League		
Mr. Victor Leikam, Billings	Director	6/1/2004
Qualifications (if required): 40 & 8		
Mr. Frank Stoltz, Miles City	Director	6/1/2004
Qualifications (if required): Prisoners of War		
Mr. Frederick S. Rambur, Miles City	Director	6/1/2004
Qualifications (if required): Department of Military Affairs		
Mr. Tom Frank, Miles City	Director	6/1/2004
Qualifications (if required): Custer County sheriff/coroner alternate		
Mr. Joe Stevenson, Miles City	Director	6/1/2004
Qualifications (if required): Custer County Commissioner		
Ms. Edith Pawlowski, Circle	Director	6/1/2004
Qualifications (if required): Veterans of Foreign Wars Auxiliary		
Mr. Alexander Russell, Melstone	Director	6/1/2004
Qualifications (if required): Military Order of the Purple Heart		
Mr. David Peterson, Billings	Director	6/1/2004
Qualifications (if required): Disabled American Veterans		
Mr. Tom Handl, Miles City	Director	6/1/2004
Qualifications (if required): Military Order of the Cooties		
Ms. Myrtle Meissner, Circle	Director	6/1/2004
Qualifications (if required): Veterans of Foreign Wars Auxiliary		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Eastern Montana State Veterans Cemetery Advisory Council (Military Affairs) cont.		
Ms. Sylvia Beals, Forsyth	Director	6/1/2004
Qualifications (if required): American Legion alternate		
Ms. Donna Dukart, Miles City	Director	6/1/2004
Qualifications (if required): American Legion Auxiliary alternate		
Mr. John S. Salazar, Miles City	Director	6/1/2004
Qualifications (if required): Department of Military Affairs alternate		
Economic Development Advisory Council (Commerce)		
Mr. Paul Tuss, Havre	Governor	7/23/2004
Qualifications (if required): public member		
Mr. Evan Barrett, Butte	Governor	7/23/2004
Qualifications (if required): public member		
Mr. Tony Rudbach, Missoula	Governor	7/23/2004
Qualifications (if required): public member		
Ms. Elaina Zempel, Conrad	Governor	7/23/2004
Qualifications (if required): public member		
Ms. Anita Varone, Helena	Governor	7/23/2004
Qualifications (if required): public member		
Family Education Savings Program Oversight Committee (Commissioner of Higher Education)		
Mr. Pat Ellis, Bozeman	Governor	7/1/2004
Qualifications (if required): public member		
Mr. Scott Darkenwald, Helena	Governor	7/1/2004
Qualifications (if required): State Treasurer		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Governor's Energy Consumer Protection Task Force (Governor's Office) Sen. Chuck Swysgood, Helena Qualifications (if required): public member	Governor	7/30/2004
Mr. Haley Beaudry, Butte Qualifications (if required): public member	Governor	7/30/2004
Mr. Bob Rowe, Missoula Qualifications (if required): public member	Governor	7/30/2004
Mr. John Hines, Helena Qualifications (if required): public member	Governor	7/30/2004
Rep. Alan Olson, Roundup Qualifications (if required): public member	Governor	7/30/2004
Mr. John Alke, Helena Qualifications (if required): public member	Governor	7/30/2004
Mr. Bill Drummond, Missoula Qualifications (if required): public member	Governor	7/30/2004
Mr. Thomas Power, Missoula Qualifications (if required): public member	Governor	7/30/2004
Mr. Michael Uda, Helena Qualifications (if required): public member	Governor	7/30/2004
Mr. David Wheelihan, Great Falls Qualifications (if required): public member	Governor	7/30/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Historical Society Board of Trustees (Historical Society)		
Ms. Lee Rostad, Martinsdale Qualifications (if required): public member	Governor	7/1/2004
Mr. Ed Heinrich, Fairmont Qualifications (if required): public member	Governor	7/1/2004
Mr. James Utterback, Helena Qualifications (if required): public member	Governor	7/1/2004
Mental Disabilities Board of Visitors (Governor)		
Ms. Joan-Nell Macfadden, Great Falls Qualifications (if required): experienced with emotionally disturbed children	Governor	7/1/2004
Mr. Graydon Davies Moll, Polson Qualifications (if required): experienced with developmentally disabled adults	Governor	7/1/2004
Mr. Steve Cahill, Clancy Qualifications (if required): experienced with the welfare of the mentally ill	Governor	7/1/2004
Microbusiness Advisory Council (Commerce)		
Mr. Robert J. Jahner, Clancy Qualifications (if required): representing Congressional District 1 and an expert on self employment	Governor	6/30/2004
Ms. Andrea Main, Billings Qualifications (if required): representing Congressional District 2 and minorities	Governor	6/30/2004
Mr. Pat McDermott, Ramsay Qualifications (if required): representing Congressional District 1 and cities over 15,000	Governor	6/30/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Microbusiness Advisory Council (Commerce) cont.		
Ms. Jenna Caplette, Bozeman Qualifications (if required): representing Congressional District 1 and cities over 15,000	Governor	6/30/2004
Ms. Denise Jordan, Billings Qualifications (if required): representing Congressional District 2	Governor	6/30/2004
Ms. Nancy Arnold, Missoula Qualifications (if required): representing Congressional District 1 and an expert on self employment	Governor	6/30/2004
Montana Agriculture Development Council (Agriculture)		
Mr. Larry Barber, Coffee Creek Qualifications (if required): actively engaged in agriculture	Governor	7/1/2004
Mr. John L. Franklin, Sidney Qualifications (if required): actively engaged in agriculture	Governor	7/1/2004
Montana Cooperative Development Center Advisory Council (Agriculture)		
Mr. Greg Jergeson, Chinook Qualifications (if required): member-at-large	Director	7/1/2004
Mr. Steve Pilcher, Helena Qualifications (if required): Montana Stockgrowers Association	Director	7/1/2004
Mr. Paul Tuss, Havre Qualifications (if required): Montana Economic Developers Association	Director	7/1/2004
Mr. Arthur Kleinjan, Chinook Qualifications (if required): Montana Association of Counties	Director	7/1/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Cooperative Development Center Advisory Council (Agriculture) cont.		
Mr. Geoff Feiss, Helena	Director	7/1/2004
Qualifications (if required): Montana Telecommunications Association		
Mr. Rich Owen, Geraldine	Director	7/1/2004
Qualifications (if required): Cenex Harvest States Cooperative		
Mr. Walter Coffman, Dutton	Director	7/1/2004
Qualifications (if required): Montana Council of Cooperatives		
Mr. Scott Morrison, Helena	Director	7/1/2004
Qualifications (if required): Montana Credit Union Network		
Mr. Mack McConnell, Great Falls	Director	7/1/2004
Qualifications (if required): Montana Electric Cooperatives Association		
Mr. Greg Woods, Bozeman	Director	7/1/2004
Qualifications (if required): Montana Farm Bureau/Montana Grain Growers		
Mr. Brooks Dailey, Great Falls	Director	7/1/2004
Qualifications (if required): Montana Farmers Union		
Mr. Mike Strand, Great Falls	Director	7/1/2004
Qualifications (if required): Montana Independent Telecommunications Systems		
Ms. Mary Ann Murray, Jordan	Director	7/1/2004
Qualifications (if required): Montana WIFE		
Montana Mint Committee (Agriculture)		
Mr. David Tutvedt, Kalispell	Governor	7/1/2004
Qualifications (if required): mint grower		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Organic Commodity Advisory Council (Agriculture)		
Ms. Nancy Matheson, Helena Qualifications (if required): producer	Director	7/29/2004
Mr. John Hoffland, Helena Qualifications (if required): consumer	Director	7/29/2004
Mr. Mikel Lund, Scobey Qualifications (if required): producer	Director	7/29/2004
Montana Power Authority (Natural Resources and Conservation)		
Mr. Gary Buchanan, Billings Qualifications (if required): member at large with experience in financial, banking and bonding	Governor	7/2/2004
Ms. Kathy Ogren, Missoula Qualifications (if required): representing commercial and industrial enterprise energy consumption	Governor	7/2/2004
Mr. Steve Browning, Helena Qualifications (if required): public member	Governor	7/2/2004
Montana Special Education Advisory Panel (Office of Public Instruction)		
Mr. Bob Maffit, Helena Qualifications (if required): state agency	Superintendent	6/30/2004
Ms. Gwen Beyer, Missoula Qualifications (if required): Part C/IDEA representative	Superintendent	6/30/2004
Rep. Holly Raser, Missoula Qualifications (if required): legislator	Superintendent	6/30/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Special Education Advisory Panel (Office of Public Instruction) cont.		
Ms. Patrice MacDonald, Wolf Point Qualifications (if required): regular classroom teacher	Superintendent	6/30/2004
Ms. Karla Wohlwend, Havre Qualifications (if required): special education program administrator	Superintendent	6/30/2004
Ms. Judith Herzog, Billings Qualifications (if required): business concerned with transitions	Superintendent	6/30/2004
Mr. Russ Bean, Augusta Qualifications (if required): state/local administrator	Superintendent	6/30/2004
Mr. Steve Gibson, Helena Qualifications (if required): representative from juvenile and adult corrections	Superintendent	6/30/2004
Mr. Jeff Stelloh, Billings Qualifications (if required): private school representative	Superintendent	6/30/2004
Mr. Gary Perleberg, Bigfork Qualifications (if required): parent of a child with disabilities	Superintendent	6/30/2004
Ms. Norma Wadsworth, Billings Qualifications (if required): higher education	Superintendent	6/30/2004
Ms. WyAnn Northrop, Missoula Qualifications (if required): teacher of children with disabilities	Superintendent	6/30/2004
Ms. Hanna Fries, East Helena Qualifications (if required): student	Superintendent	6/30/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Vocational Rehabilitation Council (Public Health and Human Services)		
Ms. Myrle Tompkins, Helena	Director	6/17/2004
Qualifications (if required): none specified		
Petroleum Tank Release Compensation Board (Environmental Quality)		
Mr. Gary Basso, Billings	Governor	6/30/2004
Qualifications (if required): representative of the insurance industry		
Mr. Joseph Murphy, Great Falls	Governor	6/30/2004
Qualifications (if required): petroleum services industry consultant		
Mr. Greg Cross, Billings	Governor	6/30/2004
Qualifications (if required): representative of independent petroleum markets		
Public Safety Communications Council (Administration)		
Mr. Dwight MacKay, Billings	Governor	6/18/2004
Qualifications (if required): representative of a federal agency		
Mr. John Blacker, Helena	Governor	6/18/2004
Qualifications (if required): representative of state government		
Mr. Larry Fasbender, Helena	Governor	6/18/2004
Qualifications (if required): designee of the Attorney General		
Mr. William Jameson, Bozeman	Governor	6/18/2004
Qualifications (if required): representative of citizens at large		
Mr. Gary Fjelstad, Forsyth	Governor	6/18/2004
Qualifications (if required): representative of county government		
Mr. Geoff Feiss, Helena	Governor	6/18/2004
Qualifications (if required): representative of utilities		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Public Safety Communications Council (Administration) cont.		
Mr. Chuck Winn, Bozeman Qualifications (if required): representative of fire protection services	Governor	6/18/2004
Mr. Brian Wolf, Helena Qualifications (if required): designee of the Director of the Department of Administration	Governor	6/18/2004
Mr. Tim Burton, Helena Qualifications (if required): representative of local government	Governor	6/18/2004
Mr. Doug King, Billings Qualifications (if required): representative of federal government	Governor	6/18/2004
Mr. Stan Putnam, Helena Qualifications (if required): representative of state government	Governor	6/18/2004
Mr. Kevin Olson, Havre Qualifications (if required): representative of law enforcement and Montana Association of Chiefs of Police	Governor	6/18/2004
Mr. Chuck Maxwell, Billings Qualifications (if required): representative of law enforcement and the Sheriffs and Peace Officers Association	Governor	6/18/2004
Mr. Ken Mergenthaler, East Helena Qualifications (if required): representative of volunteer fire protection services	Governor	6/18/2004
Ms. Jane Ellis, Missoula Qualifications (if required): representative of the 9-1-1 community	Governor	6/18/2004
Mr. Larry Wetsit, Scobey Qualifications (if required): representative of the tribes	Governor	6/18/2004

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Public Safety Communications Council (Administration) cont.		
Mr. Ken Leighton-Boster, Helena	Governor	6/18/2004
Qualifications (if required): representative of Emergency Medical Services and a state agency		
State Banking Board (Governor)		
Ms. Jamie Doggett, White Sulphur Springs	Governor	7/1/2004
Qualifications (if required): public member		
State Electrical Board (Commerce)		
Mr. Ron Van Diest, East Helena	Governor	7/1/2004
Qualifications (if required): licensed electrician		
State Tribal Economic Development Commission (Governor)		
Mr. Noel Sansaver, Poplar	Governor	6/30/2004
Qualifications (if required): representative of the Fort Peck Tribes		
Mr. Andy Poole, Helena	Governor	6/30/2004
Qualifications (if required): representing the Department of Commerce		
Ms. Marilyn Parsons, Browning	Governor	6/30/2004
Qualifications (if required): representing the Blackfeet Tribe		
Mr. Mark Sansover, Poplar	Governor	6/30/2004
Qualifications (if required): representing the Fort Peck Tribe		
Teachers' Retirement Board (Administration)		
Mr. Tim Ryan, Great Falls	Governor	7/1/2004
Qualifications (if required): public member		
Tourism Advisory Council (Commerce)		
Ms. Maureen Averill, Bigfork	Governor	7/1/2004
Qualifications (if required): representing Glacier Country		

VACANCIES ON BOARDS AND COUNCILS -- JUNE 1, 2004 through AUGUST 31, 2004

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Tourism Advisory Council (Commerce) cont.		
Ms. Debbie Donovan, Larslan Qualifications (if required): representing Missouri River Country	Governor	7/1/2004
Ms. Kathy Brown, Helena Qualifications (if required): representing Gold West Country	Governor	7/1/2004
Mr. Homer Staves, Billings Qualifications (if required): representative of Custer Country	Governor	7/1/2004
Ms. Sharon Rau, Sidney Qualifications (if required): representing Missouri River Country	Governor	7/1/2004
Western Interstate Commission on Higher Education (Commissioner of Higher Education)		
Dr. Francis J. Kerins, Helena Qualifications (if required): public member	Governor	6/19/2004
Wheat and Barley Committee (Agriculture)		
Ms. Janice Mattson, Chester Qualifications (if required): Democrat representing District III	Governor	8/20/2004
Mr. Donald L. Fast, Glasgow Qualifications (if required): Republican representing District II	Governor	8/20/2004