

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 16

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after print publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-2055.

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BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON
2.5.603 pertaining to state procurement) PROPOSED AMENDMENT
of supplies and services)

TO: All Concerned Persons

1. On September 17, 2014, at 1:30 p.m., the Department of Administration will hold a public hearing in Room 53 of the Mitchell Building, 125 North Roberts Street, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Administration 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 Department of Administration no later than 5:00 p.m. on September 10, 2014, to advise us of the nature of the accommodation that you need. Please contact Jodi Gollehon, Department of Administration, P.O. Box 200135, Helena, Montana 59620-0135; telephone (406) 444-7210; fax (406) 444-2529; or e-mail jgollehon@mt.gov.

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

2.5.603 SMALL PURCHASES OR LIMITED SOLICITATIONS OF SUPPLIES AND SERVICES (1) and (2) remain the same.

(3) The division or state agency, if authorized in a written delegation agreement, may procure ~~supplies or services~~ with a total contract value between \$5,001 and \$25,000, or supplies with a total contract value between \$5,001 and \$50,000, using a limited solicitation procedure. This procedure requires a minimum of three viable written or oral quotations, if available. The limited solicitation procedure must be documented and, wherever practical, use the department's vendor list.

(4) through (6)(d) remain the same.

AUTH: 18-4-221, MCA

IMP: 18-4-305, MCA

STATEMENT OF REASONABLE NECESSITY: The proposed changes are a recommendation from state agency directors as identified during the Governor's 2014 Effective Government Work Group meetings. Specifically, the recommendation from the work group was to increase the limited solicitation threshold from \$25,000 to \$50,000 for the purchase of supplies only. The department agrees with this recommendation because it will allow agencies to procure additional supplies in a quicker and more efficient manner. The department

will retain the \$25,000 threshold for services purchases to ensure compliance with prevailing wage rates for nonconstruction service contracts.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Jodi Gollehon, Department of Administration, P.O. Box 200135, Helena, Montana 59620-0135; telephone (406) 444-7210; fax (406) 444-2529; or e-mail jgollehon@mt.gov, and must be received no later than 5:00 p.m., September 19, 2014.

5. Jodi Gollehon, Department of Administration, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's web site at <http://doa.mt.gov/administrativerules.mcp>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that if a discrepancy exists 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 works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

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

By: /s/ Marjorie L. Thomas
Marjorie L. Thomas, Rule Reviewer
Department of Administration

Certified to the Secretary of State August 11, 2014.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 2.59.402 pertaining to limited	)	AMENDMENT
income persons, 2.59.405 pertaining)	
to credit union records retention, and)	
2.59.407 pertaining to credit union	)	NO PUBLIC HEARING
debt cancellation contracts	)	CONTEMPLATED

TO: All Concerned Persons

1. On September 22, 2014, the Department of Administration proposes to amend the above-stated rules.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on September 12, 2014, to advise us of the nature of the accommodation that you need. Please contact Wayne Johnston, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2918; TDD (406) 444-1421; facsimile (406) 841-2930; or e-mail to banking@mt.gov.

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

2.59.402 CREDIT UNIONS - LIMITED INCOME PERSONS, DEFINITION

~~(1) Existing credit unions may include within their field of membership limited income persons for whom credit union services are not otherwise available.~~

(2)(1) A limited income person is ~~Limited income persons are defined as an individual~~ those persons whose annual income is less than that specified below based upon family size:

<u>Family/Household Size</u>	<u>Annual Income of Individual Applicant</u>
1	\$ 6,314 <u>11,670</u>
2	8,075 <u>15,730</u>
3	9,890 <u>19,790</u>
4	12,675 <u>23,850</u>
5	14,994 <u>27,910</u>
6	16,927 <u>31,970</u>
<u>7</u>	<u>36,030</u>
<u>8</u>	<u>40,090</u>

For family/household units with more than ~~six~~ eight members, add ~~\$1,780~~ \$4,060 for each additional member.

(2) For purposes of this rule, the term "income" must include before-tax income of the following types:

- (a) earnings (wages, tips, and salary);
- (b) unemployment compensation;
- (c) workers' compensation;
- (d) social security;
- (e) supplemental security income;
- (f) survivor benefits;
- (g) pension or retirement income; and
- (h) self-employment earnings computed in accordance with the credit union's

written policies.

(3) Other forms of income that may, at the credit union's discretion and in accordance with the credit union's written policies, be included within the definition of income for purposes of this rule are:

- (a) cash public assistance benefits;
- (b) veterans' payments;
- (c) interest income;
- (d) dividend income;
- (e) rents;
- (f) royalties;
- (g) income from estates or trusts;
- (h) educational assistance such as work-study earnings and grants, but not

student loans;

- (i) spousal maintenance (formerly known as alimony);
- (j) child support;
- (k) assistance from outside the household; and
- (l) other miscellaneous sources.

(4) The term "income" does not include:

- (a) capital gains or losses; and
- (b) noncash benefits such as food stamps and housing subsidies.

(5) Credit union membership for immediate family members of persons within the credit union's field of membership under 32-3-304(2), MCA, does not extend to immediate family members of limited income persons who become members under 32-3-307, MCA. Nothing in this rule prevents immediate family members of limited income persons from independently qualifying for membership in their own right under either 32-3-304 or 32-3-307, MCA.

AUTH: 32-3-201, MCA

IMP: 32-3-307, MCA

STATEMENT OF REASONABLE NECESSITY: Section (1) is being deleted because it unnecessarily duplicates 32-3-307, MCA, contrary to rulemaking conventions.

The dollar amounts of an individual's income in renumbered (2) derive from 1990 U.S. Census Bureau poverty guidelines data. An amendment to update the income figures is necessary to ensure that the legislative intent is carried out. The amounts currently in the rule unreasonably deny access to credit union services by

persons of limited means, albeit means in excess of the income eligibility ceilings established under obsolete 1990 data. A credit union is unlikely to voluntarily participate in the limited income program under 32-3-307, MCA, if the pool of eligible applicants is so small that it is cost prohibitive to do so. The proposed amended income figures derive from the 2014 Poverty Guidelines for the 48 contiguous states, published in the Federal Register 79 FR 3593, pages 3593-3594, Doc. No. 2014-D1303, January 22, 2014, pursuant to Section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981, 42 U.S.C. 9902(2). The OBRA requires that the Secretary of the Department of Health and Human Services update the poverty guidelines at least annually. The poverty guidelines are a simplified version of the poverty thresholds used by the U.S. Census Bureau for statistical purposes.

Amendment of the rule is also necessary to clarify that it is the individual membership applicant's annual income and not the combined income of all household members that determines the applicant's eligibility. The significance of the household size is simply that the larger the household, the greater the income that is needed for its support. It is appropriate that the income ceiling for eligibility purposes be raised in proportion to the size of the household. The term "limited income" has different meanings in different contexts. The department recognizes that even current poverty guidelines data is not the only means by which a limited income standard could be set that is suited to the purpose of 32-3-307, MCA, but it is perhaps the most easily updatable and most reliable data for most purposes.

Sections (2), (3), and (4) are being added to establish core components of income that must be considered by a credit union in determining an individual applicant's eligibility for membership under 32-3-307, MCA, discretionary components, and types of 'income' that may not be considered. The core components will help to ensure that the legislative intent is adhered to by credit unions while the discretionary components afford appropriate discretion to credit unions' boards of directors to establish the program that they desire.

The department is adding (5) to this rule to clarify the relationship between 32-3-304(2) and 32-3-307, MCA. The department believes (5) is consistent with the legislative intent with regard to 32-3-307, MCA, no evidence to the contrary being apparent. Immediate family members are mentioned only in 32-3-304(2), MCA. A "field of membership" based on a common bond under 32-3-304, MCA, is necessary to the establishment and continued existence of a credit union and the integrity of the field of membership must be preserved. Membership for limited income persons under 32-3-307, MCA, is an add-on or exception to the general rule. That exception cannot swallow the general rule of a membership comprised of persons within the credit union's field of membership having a common bond under 32-3-304, MCA.

2.59.405 RETENTION OF CREDIT UNION RECORDS (1) Credit unions are required to ~~preserve or keep their~~ retain records of ~~nonmember~~ member accounts, as defined in (7), for at least eight years after January 1 of the year following the time that the records are made; however, records showing unpaid balances in favor of members may not be destroyed.

(2) The ~~schedule~~ publication ~~Montana~~ Credit Union Records ~~Publication~~ Retention Schedule, Appendix "A" to ARM 2.59.405 (Appendix A), establishes the minimum retention period for ~~retention of nonmember account~~

records other than member account records for all state-chartered credit unions. ~~Credit Union Records Publication~~ Appendix "A" is maintained by the Commissioner of Banking and Financial Institutions, and may be updated at regular intervals not more than once a year by the commissioner. ~~The December 11, 2006, August 11, 2014, edition of the Credit Union Records Publication~~ Appendix "A" is incorporated by reference as part of this rule. A copy of ~~this document~~ Appendix A can be obtained from the Division of Banking and Financial Institutions, Department of Administration, 301 South Park, P.O. Box 200546, Helena, MT 59620-0546 or found on the department's web site at <http://banking.mt.gov/creditunion.mcpix>.

(3) When a ~~bank~~ credit union microfilms, photographs, or uses other electronic or computer-generated data records in the regular course of business, the retention period of the microfilm, photographs, electronic, or computer-generated data must be the same as specified in ~~the Credit Union Records Publication~~ Appendix "A".

(4) Credit unions must comply with all applicable federal laws and regulations concerning credit union records retention requirements. ~~requiring specific retention periods for the records enumerated in those laws or regulations~~. In the event that a an applicable federal law or regulation conflicts with a retention period contained in ~~Credit Union Records Publication~~ this rule or in Appendix "A", a credit union must comply with whichever retention period is longer. Credit unions must comply with other applicable state laws governing retention of personnel records, corporation records, etc.

(5) If a credit union does not maintain records set forth in ~~Credit Union Records Publication~~ Appendix "A", but maintains similar records with equivalent information, the credit union's similar records must be retained for the time specified within ~~Credit Union Records Publication~~ Appendix "A" as to the equivalent records.

(6) Records not covered by this rule, Appendix A, are to or applicable federal laws and regulations must be retained for a period of time determined appropriate by the credit union's board of directors. ~~Such~~ The board's minutes must reflect the record retention periods determined appropriate shall be noted and be maintained as a permanent part of the board's minutes.

(7) "Member accounts" for record retention purposes means member deposit accounts including share savings accounts, share draft accounts, share certificates, safety deposit boxes, and trust accounts, negotiable orders of withdrawal (NOW) accounts, and money market deposit accounts.

AUTH: 32-3-201, MCA
IMP: 32-3-204, MCA

STATEMENT OF REASONABLE NECESSITY: Amendments are needed to correct an error in (1) and to clarify an ambiguity in (2). Section (1) governs the retention period for member accounts as defined in (7) rather than nonmember accounts as currently stated. Section (2) governs the retention period for "records other than member accounts" but (2) refers to those records by the ambiguous term "nonmember accounts." The ambiguous term is being replaced by "records other than member accounts" for clarification purposes. The correct name of the records

retention publication is being inserted in (2) and its abbreviated form (Appendix A) is being added to (2) and used throughout the rest of the rule. The August 11, 2014, version of Appendix A is adopted by reference in (2). The changes to it from the prior version are primarily of a housekeeping nature and the repeated references to retention "guidelines" in Appendix A were changed to "requirements" because the appendix is being incorporated by reference in the administrative rule and is therefore a requirement and not a guideline. That is especially important with respect to member account records since those are likely to be needed by courts and litigants in contract disputes having an eight-year limitation period. In addition, the retention period in (1) matches that statutorily required of banks under 32-1-491, MCA. There is no logical reason for the credit union record retention period for member account records to differ from the retention period for bank customer accounts. Appendix A has not been revised for seven years but may need revision before another seven years elapse. The department revises the publication on an as-needed basis so the term "at regular intervals" is being stricken. The cap on the frequency of revisions to once a year is being retained in the rule.

In (3) the term "credit union" is being substituted for the term "bank" to correct an error that likely arose from using a similar bank rule as a template in the drafting of this rule. The amendments to (4) and (6) are needed to clarify and limit the applicable federal laws and regulations to which the rule refers. Section (7) requires amendment to add two member deposit products to the definition of member accounts and to clarify that the types of deposit accounts included in the definition are not exhaustive. The amendments to (7) are also needed to clarify that the types of accounts included in the definition of "member accounts" do not have common or wholly consistent characteristics that would enable all of them to be classified collectively for any purpose other than records retention. The remaining amendments are for housekeeping and clarification purposes.

2.59.407 DEBT CANCELLATION AND DEBT SUSPENSION PROGRAMS – REQUIREMENTS (1) through (1)(b) remain the same.

(2) An insurer authorized by the insurance regulator in an out-of-state ~~bank's credit union's~~ home state that has issued a policy to the out-of-state ~~bank~~ credit union covering all of its debt cancellation contractual liabilities need not be authorized or otherwise registered with the State Auditor.

AUTH: 32-3-201, MCA

IMP: 32-3-609, MCA

STATEMENT OF REASONABLE NECESSITY: Amendment of (2) is necessary to replace the term "bank" which was used in error two times, and replace it with "credit union" which is the correct term. The error probably arose from the department's use of a similar bank rule as a template when drafting the credit union rule.

4. Concerned persons may present their data, views, or arguments concerning the proposed action in writing to: Lorraine A. Schneider, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana

59620-0546; faxed to the office at (406) 841-2930; or e-mailed to banking@mt.gov; and must be received no later than 5:00 p.m., September 19, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person listed in 4 above no later than 5:00 p.m., September 19, 2014.

6. If the Division of Banking and Financial Institutions receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not fewer than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be one person based on the eight existing state-chartered credit unions.

7. An electronic copy of this proposal notice is available through the department's web site at <http://doa.mt.gov/administrativerules.mcp>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that if a discrepancy exists 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 works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. 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 that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written requests may be mailed or delivered to Wayne Johnston, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to banking@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

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

10. The department has determined that under 2-4-111, MCA, the proposed rule amendments will not significantly and directly affect small businesses.

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

By: /s/ Marjorie L. Thomas
Marjorie L. Thomas, Rule Reviewer
Department of Administration

Certified to the Secretary of State August 11, 2014.

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I, pertaining to Patient-) PROPOSED ADOPTION
Centered Medical Homes)

TO: All Concerned Persons

1. On September 11, 2014, at 10:00 a.m., the Commissioner of Securities and Insurance, Montana State Auditor, will hold a public hearing in the 2nd floor conference room, at the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), 840 Helena Ave., Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The CSI will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing, or need an alternative accessible format of this notice. If you require an accommodation, contact the CSI no later than 5:00 p.m., September 4, 2014, to advise us of the nature of the accommodation that you need. Please contact Darla Sautter, CSI, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3499; or e-mail dsautter@mt.gov.

3. The New Rule as proposed to be adopted provides as follows:

NEW RULE I PATIENT-CENTERED MEDICAL HOME REPORTING—
SPECIFIC QUALITY MEASURES REQUIRED (1) A qualified or provisionally qualified patient-centered medical home (PCMH) shall report annually to the commissioner on its performance related to certain standards and health care quality measures, as prescribed by the commissioner. A PCMH health care provider that provides care to adults only, or both children and adults, shall choose at least three of the four quality measures listed in (2)(a) through (d) to report to the commissioner. A PCMH health care provider that provides care only to children shall choose only the child immunization performance measure in (2)(c).

(2) The following are the quality measures to be reported as specified in (1):

- (a) control of blood pressure among adults with diagnosed hypertension;
- (b) screening for tobacco use and tobacco cessation counseling for adults;
- (c) age appropriate immunization for children; and
- (d) control of A1C levels in adults with diagnosed diabetes.

(3) If a PCMH health care provider has no patient data regarding a particular quality measure, the provider may indicate, "not applicable."

(4) A PCMH health care provider may not change the reporting measures the provider chooses until the end of the 2016 reporting year or until otherwise instructed by the commissioner.

(5) Annually, the data on standards and quality measures are due to the commissioner on March 31 for the previous calendar year. For the initial report, data

must be submitted to the commissioner for the reporting period January 1, 2014 through December 31, 2014, by March 31, 2015.

(6) The commissioner shall provide detailed instructions on the agency web site for reporting by qualified and provisionally qualified PCMHs on the quality measures described in (2). Data reporting requirements must be aligned with the federal Physician Quality Reporting System (PQRS), except for childhood immunizations, and the instructions provided on the commissioner's web site.

(7) The report referenced in ARM 6.6.4906 is separate from the report required for the quality measures in (2).

(8) The commissioner may report to the public only aggregate information about quality measures.

(9) Payers who choose to participate in the Montana PCMH program, and who use quality measure reporting in their payment model shall include, but are not limited to, the four measures specified in (2). Those payers must also use the data reporting requirements prescribed by the commissioner.

AUTH: 33-40-104, MCA

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

4. STATEMENT OF REASONABLE NECESSITY: NEW RULE I is necessary to provide specific guidance to patient-centered medical homes regarding the "uniform set of health care quality and performance measures that include prevention services," as required by 33-40-105(2)(c), MCA. These rules also satisfy in part the commissioner's duties to adopt rules on quality measures as required in 33-40-104(1)(a) and 33-40-105(2), MCA. In addition, these specific measures aid the Department of Public Health and Human Services with specific goals related to the improvement of public health in Montana.

These rules are specifically aligned with PQRS reporting measures because most health care providers already report on PQRS measures. Aligning the PCMH data reporting with PQRS measures will reduce data reporting burdens and complications.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Christina L. Goe, General Counsel, Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2040; fax (406) 444-3499; or e-mail cgoe@mt.gov, and must be received no later than 5:00 p.m., September 19, 2014.

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

7. The CSI maintains a list of concerned persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies for which program the

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

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

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

10. The CSI has complied with the requirements of 2-4-111, MCA, and determined that NEW RULE I will not have a significant adverse impact on small businesses. The reporting requirement discussed in NEW RULE I already exists under 33-40-105, MCA. NEW RULE I clarifies the health care quality and performance measures that are subject to that requirement, and the timeline for reporting the data. Additionally, the affected parties already report the quality measures in NEW RULE I to other entities. Thus, NEW RULE I does not require the parties to collect and collate substantial amounts of additional information.

/s/ Nick Mazanec
Nick Mazanec
Rule Reviewer

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

Certified to the Secretary of State August 11, 2014.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF PUBLIC HEARING ON
17.74.504, 17.74.505, 17.74.506,)	PROPOSED AMENDMENT AND
17.74.507, 17.74.508, 17.74.511,)	REPEAL
17.74.512, 17.74.513, 17.74.514,)	
17.74.515, 17.74.517, 17.74.518)	(METHAMPHETAMINE CLEANUP)
pertaining to definitions,)	
decontamination standards,)	
performance, assessment, and)	
inspection, performance standards,)	
contractor certification and renewal,)	
initial training course content, refresher)	
training course, reciprocity, training)	
provider certification, certified training)	
provider responsibilities, denial,)	
suspension, and revocation of)	
certification, and fees and the repeal of)	
ARM 17.74.502, 17.74.503, 17.74.509,)	
and 17.74.510 pertaining to)	
incorporation by reference--publication)	
dates, incorporation by reference,)	
worker and supervisor certification, and)	
worker and supervisor certification)	
renewal)	

TO: All Concerned Persons

1. On September 11, 2014, at 1:30 p.m., the Department of Environmental Quality will hold a public hearing in Room 136-137, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact Elois Johnson, Paralegal, no later than 5:00 p.m., September 2, 2014, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov.

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

17.74.504 DEFINITIONS For the purposes of this subchapter, unless the context clearly indicates otherwise:

~~(1) "Basic course" means a training course sponsored or approved by the department for workers and supervisors who perform or supervise decontamination on CML sites.~~

(2) and (3) remain the same, but are renumbered (1) and (2).

~~(4) (3) "Certified contractor" means a person or company to whom the department who has been issued a CML decontamination contractor certificate under this subchapter.~~

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

(5) "CML" means a contaminated methamphetamine drug lab.

~~(6) "Certified person" means a person to whom the department has issued a CML decontamination worker certificate or a CML decontamination supervisor certificate under this subchapter.~~

~~(7) (6) "Contaminated" or "contamination" means polluted by hazardous chemicals from a CML so that the inhabitable property may be unfit for human habitation or use due to immediate or long-term hazards from such contamination. Inhabitable property that at one time was contaminated, but has been decontaminated in conformance with the requirements of this subchapter, is not "contaminated" once the department issues a certificate of fitness for the property.~~

(8) (7) "Decontaminated" or "decontamination" means the process of reducing levels of hazardous chemicals methamphetamine from a CML in affecting inhabitable property to the lowest practical level using currently available methods and processes level established in ARM 17.74.505. A property is considered decontaminated when the department issues a certificate of fitness for the property.

~~(9) (8) "Department" means the Montana Department of Environmental Quality.~~

~~(10) "Hazardous chemicals" means:~~

~~(a) methamphetamine as defined in (13); and~~

~~(b) precursor substances as defined in (15).~~

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

(10) "Initial course" means a training course sponsored or approved by the department for certified contractors who perform or supervise decontamination on CML sites.

~~(12) (11) "Initial site assessment" means the first evaluation of inhabitable property by a certified contractor to determine the nature and extent of observable contamination from a CML.~~

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

~~(15) "Precursor substances" means the following compounds:~~

~~(a) anthranilic acid;~~

~~(b) barbituric acid;~~

~~(c) chlorephedrine;~~

~~(d) diethyl malonate;~~

~~(e) d-lysergic acid;~~

~~(f) ephedrine;~~

~~(g) ergotamine tartrate;~~

~~(h) ethylamine;~~

~~(i) ethyl malonate;~~

~~(j) ethylephedrine;~~

~~(k) lead acetate;
(l) methylamine;
(m) methylformamide;
(n) methylephedrine;
(o) methylpseudoephedrine;
(p) n-acetylanthranilic acid;
(q) norpseudoephedrine;
(r) phenylacetic acid;
(s) phenylpropanolamine;
(t) piperidine;
(u) pseudoephedrine;
(v) pyrrolidine; and
(w) any other chemical compound(s) that the department determines was used in the clandestine manufacture of methamphetamine, or produced from such manufacture.~~

~~(16) remains the same, but is renumbered (14).~~

~~(17) (15) "Refresher course" means a department-sponsored or department-approved training course for previously certified CML decontamination workers and supervisors contractors.~~

~~(18) "Supervisor" means a person who is employed by a contractor, is on site during the decontamination of a CML, and is responsible for the activities performed.~~

~~(19) remains the same, but is renumbered (16).~~

~~(20) "Vacuum sample" or "microvacuum sample" means a nonairborne dust sample collected from a known surface area of a porous surface or material using standard microvacuuming techniques described in American Society for Testing and Materials, Method D5756-02, (November 2002), Standard Test Method for Microvacuum Sampling and Indirect Analysis of Dust by Transmission Electron Microscopy for Asbestos Mass Concentration.~~

~~(21) (17) "Wipe sample" means a surface sample collected by wiping a sample medium on surface materials in accordance with common industry standards the field equipment and sampling guidance in National Institute for Occupational Health and Safety, Manual of Analytical Methods, 4th Ed., Method 9100, Lead in Surface Wipe Samples (Issue 2, May 1996).~~

~~(22) "Worker" means a person who is employed by a contractor and who performs decontamination of a CML.~~

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend the definitions in ARM 17.74.504 to reflect changes in the CML cleanup industry and how the CML program has evolved since the time the initial rules were adopted. The principle change that guides much of this rule proposal is a need to use the term "certified contractor" exclusively in these rules to make the reference consistent with 75-10-1304, MCA. Referring to "certified contractor" as the only certified person that may safely clean up methamphetamine contamination reflects the fact that the statutes regarding compliance with CML cleanup standards remain voluntary and a relative reduction in

the need for CML decontamination allows the department to propose regulations that better meet the conditions seen in communities across Montana and still provide for a protective regulatory framework. When these rules were first adopted, there was a need to distinguish among the various experience, skill, and training levels of individuals involved in CML cleanups and to offer an occupational progression that no longer applies to the CML cleanup industry. The following information summarizes the remainder of the changes being proposed in this section. The term "basic course" in (1) is being eliminated and redefined as an "initial course" in (9). Because the department is proposing to offer a certification that combines "worker" and "supervisor" definitions, under the existing definition of "certified contractor," the course name should reflect the fact that there is no longer a basic or advanced course, but rather an "initial" course that covers the necessary information to be certified. The department is proposing to strike the reference to a company as having been issued a "certified contractor" certificate. The department believes that 75-10-1304, MCA, allows the department to certify a contractor and the contractor's employees as individuals rather than certifying a company. The purpose of these rules and the enabling statutes is to provide a protective cleanup standard administered by qualified individuals. Certifying a company does not provide the department with the assurance that each person working to clean up a CML has the appropriate training as proposed in this subchapter. The department is proposing to delete the definition of "certified person" because it refers to the definitions of certified "supervisor" and "worker." The department is proposing to remove the definitions of "worker" and "supervisor" and replace those terms with "certified contractor" and make the necessary clerical amendments to account for the proposed change elsewhere in this rule. The department is proposing to amend the definition of "contaminated" or "contamination" to establish that a property subject to these rules is no longer contaminated once the department issues a certificate of fitness. The department is proposing to amend the definition of "decontaminated" or "decontamination" by removing the phrase "hazardous chemicals" and replacing it with "methamphetamine." Additionally, the department is proposing to coordinate the definition of "decontaminated" or "decontamination" with the proposed changes in ARM 17.74.505. The department is proposing to delete references to "hazardous chemicals" and "precursor substances" because the compounds and chemicals used in the manufacture of methamphetamine are evolving. The department is proposing to broaden the definition of "wipe sample" to allow changing industry standards to dictate appropriate methods rather than rely on a federal standard from 1996. Finally, the department is proposing to strike the reference to "vacuum sample" because these types of samples are rarely used and don't provide the department or the public with any information that assists in determining levels of contamination or appropriate cleanup standards.

17.74.505 DECONTAMINATION STANDARDS (1) The CML decontamination standards are as follows standard is:

(a) ~~a surface wipe samples and vacuum samples~~ for methamphetamine may not exceed 0.1 micrograms (10^{-6} gram) per 100 square centimeters;

(b) ~~volatile organic compounds (VOCs) may not exceed 1.0 part per million VOCs in air; and~~

~~(c) in the event a phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead may not exceed 20.0 micrograms per square foot, and vapor samples for mercury may not exceed 50.0 nanograms (10⁻⁹-gram) per cubic meter in air.~~

AUTH: 75-10-1303, MCA

IMP: 75-10-1303, MCA

REASON: The department is proposing to simplify the CML decontamination standard by removing references to volatile organic compounds and lead and mercury limits for certain types of methamphetamine manufacturing. The department is proposing to keep the surface wipe sample standard. Requiring surface wipe samples with a minimum standard for the detection of methamphetamine is protective of human health and the environment.

17.74.506 DECONTAMINATION PERFORMANCE, ASSESSMENT, AND INSPECTION (1) For the department to confirm, pursuant to 75-10-1305(4), MCA, that the decontamination standards in ARM 17.74.505 ~~have~~ has been met for an inhabitable property where clandestine methamphetamine manufacturing has taken place, and for the department to remove the property from the list of contaminated property maintained pursuant to 75-10-1306, MCA, all sampling, submittal of samples, and work performed to assess the extent of contamination ~~and comply in compliance with the~~ CML decontamination standards and disposal of contaminated material must be performed by the department or by contractors, ~~supervisors, and workers~~ certified by the department pursuant to this subchapter to perform that work. (2) and (3) remain the same.

AUTH: 75-10-1303, MCA

IMP: 75-10-1303, MCA

REASON: The department is proposing to revise ARM 17.74.506 to use the term "certified contractor" exclusively in these rules to make the term consistent with 75-10-1304, MCA.

17.74.507 PERFORMANCE STANDARDS (1) ~~A Only certified contractors performing a CML decontamination project pursuant to this subchapter shall may:~~

- (a) perform all a contamination assessment and decontamination work and ~~dispose~~ dispose of contaminated material pursuant to this subchapter only with certified workers and supervisors;
- (b) file a work plan with, and obtain written approval of the plan from, the department prior to beginning ~~the~~ a decontamination project;
- (c) perform all work in accordance with the department-approved work plan; and
- ~~(d) station on site, at all times decontamination work is being performed, a contractor-employed certified supervisor to oversee the project; and~~
- ~~(e)~~ (d) have final clearance sampling conducted by an independent certified

contractor who is not employed by the certified contractor described in (1), and who is certified by the department pursuant to this subchapter to performing that the decontamination work.

(2) Department approval of a work plan does not relieve a certified contractor from compliance with any other applicable requirements including, but not limited to, state and local building codes, occupational safety and health standards, and the solid waste, hazardous waste, and asbestos requirements in ARM Title 17, chapters 50, 53, and 74.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to revise ARM 17.74.507 for the same reasons described in ARM 17.74.506.

17.74.508 CONTRACTOR CERTIFICATION AND RENEWAL (1) An applicant for department certification as a CML decontamination contractor shall submit to the department:

~~(a) evidence of department certification for each employee who will work on a CML decontamination project;~~

~~(b) documentation that the contractor has at least one department certified CML decontamination supervisor;~~

~~(c) a completed CML decontamination contractor certification application form; and~~

~~(d) the fee prescribed in ARM 17.74.518.~~

~~(2) CML decontamination contractor certification is valid for two years from the date of issuance.~~

~~(3) A certified CML decontamination contractor applying for renewal of certification prior to the expiration of the current certificate, or a previously certified contractor applying for certification following expiration of the previous certificate, shall follow the requirements of (1)(a) through (d).~~

(a) provide evidence of successful completion of HAZWOPER training, including initial 40-hour HAZWOPER and current eight-hour HAZWOPER refresher, and HAZWOPER supervisor training conducted pursuant to 29 CFR 1910.120; and

(b) successfully complete the initial CML decontamination course and submit to the department within 60 days after completing the course:

(i) written evidence of successful completion of the initial course;

(ii) a completed CML decontamination certified contractor application; and

(iii) the fee established in ARM 17.74.518.

(2) A CML decontamination certificate is valid for two years from the date of issuance.

(3) A person renewing as a CML decontamination certified contractor shall submit the following information to the department for approval at least ten days before the expiration of the current certificate:

(a) a completed contractor certification renewal form provided by the department;

(b) written evidence the renewal applicant has successfully completed a

department-sponsored or department-approved refresher training course; and

(c) the fee established in ARM 17.74.518.

(4) If a previously certified contractor does not apply for a renewal of a contractor certification within one year following the expiration of the certification, the person must obtain certification under the provisions of this rule.

(5) A CML decontamination certified contractor shall make the CML decontamination certificates, or other acceptable proof of certification, available for inspection at all times during a CML decontamination project that is being performed pursuant to this subchapter.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing amendments to ARM 17.74.508 to modify the certification and renewal requirements for CML decontamination contractors for the reasons presented in ARM 17.74.504 that describe the proposal to use the phrase "certified contractor" exclusively in this subchapter. The department recognizes that eliminating the designations and training standards of workers and supervisors, as proposed in ARM 17.74.504, requires those specific skills to be included in the initial course described in ARM 17.74.511. The foundation of any cleanup certification of potentially dangerous substances requires basic HAZWOPER training. The department is adding this requirement to ensure the basic knowledge required for workers and supervisors is in place for the remaining CML certification. The proposed requirements for certification and renewal will simplify the current certification process and maintain the necessary information the department needs to ensure CML certified contractors are able to meet minimum cleanup standards and be protective of human health and the environment.

17.74.511 BASIC INITIAL TRAINING COURSE CONTENT (1) For departmental approval, ~~basic worker and supervisor~~ initial CML decontamination training courses must include, at a minimum:

(a) information on state and federal laws, rules, and regulations applicable to clandestine methamphetamine manufacturing sites including, but not limited to:

~~(i) precursor drugs;~~

(ii) and (iii) remain the same, but are renumbered (i) and (ii).

(b) through (i)(iv) remain the same.

~~(2) Training for supervisors must also include:~~

~~(a) (i) techniques for obtaining necessary information for making to make site assessments, including;~~

~~(b) (i) initial site assessments;~~

(c) through (g) remain the same, but are renumbered (ii) through (vi).

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.511 for the

same reasons described in ARM 17.74.506. Changing the term "basic" to "initial" when describing the necessary coursework and training acknowledges the department's proposal to certify CML contractors under a training plan that requires an overall understanding and specific expertise in CML cleanup techniques to ensure the protection of human health and the environment.

17.74.512 REFRESHER TRAINING COURSE (1) For department approval, CML decontamination ~~worker and supervisor~~ refresher training courses must include, at a minimum:

(a) through (d) remain the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.512 for the same reasons described in ARM 17.74.506 and 17.74.508.

17.74.513 RECIPROCITY (1) The department shall provide reciprocal certification for contractors, ~~supervisors, and workers~~ trained and certified in another state when the standards and training of the other state are substantially similar to those of this subchapter.

(2) An applicant for reciprocity shall submit to the department:

(a) and (b) remain the same.

(c) evidence of successful completion of HAZWOPER training, including initial 40-hour HAZWOPER and current eight-hour HAZWOPER refresher, and HAZWOPER supervisor training conducted pursuant to 29 CFR 1910.120; and

(d) the fee prescribed in ARM 17.74.518; ~~and~~

~~(e) for supervisor reciprocal certification only, evidence of successful completion of HAZWOPER supervisor training, conducted pursuant to 29 CFR 1910.120.~~

(3) remains the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.513 for the same reasons described in ARM 17.74.506.

17.74.514 TRAINING PROVIDER CERTIFICATION (1) A person may not provide ~~basic initial or refresher~~ CML decontamination ~~worker or supervisor~~ contractor or refresher training for department certification of ~~decontamination workers or supervisors~~ contractors, unless the department has approved the instructors and courses and issued a training provider certificate to the person.

(2) An applicant for training provider certification shall submit to the department at least ~~60~~ 45 days before the requested approval date:

(a) remains the same.

(b) a list of all instructors and a description of their qualifications, including their proof of department certification and a description of the instructor's knowledge and experience to properly train workers and supervisors contractors, and documentation of academic or field experience in CML decontamination;

(c) through (3) remain the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.514 for the same reasons described in ARM 17.74.506. The department is also seeking to reduce the number of days that an applicant for training provider certification must submit the required information for approval. The department has developed an efficient system to review and certify training provider applications since Title 75, chapter 10, part 13, MCA, was enacted. The department would require the applicant to submit the training provider certification application to the department at least 45 days, instead of at least 60 days, prior to final department approval. The reduction will allow training providers, who hold certificates or registrations from the department for other similar training programs, to be responsive to situations where the need for CML cleanups, and certified contractors, may increase unexpectedly. Additionally, adding a proof of certification requirement will ensure the required protective standards are being offered to people enrolled in training courses.

17.74.515 CERTIFIED TRAINING PROVIDER RESPONSIBILITIES (1) A certified CML decontamination training provider shall:

(a) notify the department in writing at least ~~30~~ ten days before any training is scheduled to begin. The notification must include the dates and times of the training and the address of the location where training will be conducted;

(b) and (c) remain the same.

(d) obtain department approval in writing in advance of any changes to the training; including, but not limited to, changes involving the course instructor or changes in course materials.

~~(2) When requested by the department, a training provider shall confirm successful completion of training courses by applicants seeking worker or supervisor certification.~~

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

(3) A training provider shall submit to the department a list of attendees within ten days following the completion of the course. The list must identify:

(a) the name and address of the training provider who provided the course;

(b) the dates, name and brief description of the course;

(c) the names of each participant;

(d) each participant's certificate number; and

(e) confirmation of each participant's successful completion of the course.

(4) A training provider shall require that training course attendees provide proof of identity.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.515 for the same reasons described in ARM 17.74.506. The department is also proposing to clarify the requirements that training providers must complete following the delivery of a course. These new requirements allow the department to review and monitor the qualifications of course providers and will guarantee that each provider submits the required information in a consistent way to ensure a certified cleanup contractor is registered with the department. The department is proposing to require any notification of a scheduled training to be at least ten days, instead of at least 30 days. The department has developed an efficient system to review information from training providers since ARM Title 75, chapter 10, part 13, MCA, was enacted and believes those efficiencies should be reflected in information submission deadlines.

17.74.517 DENIAL, SUSPENSION, AND REVOCATION OF CERTIFICATION (1) The department may deny, suspend, or revoke the certification of a CML decontamination ~~worker, supervisor,~~ contractor, or training provider who fails to meet any of the requirements of this subchapter.

(2) The department may suspend or revoke the certification of a ~~decontamination worker, supervisor,~~ contractor, or training provider who obtains a certificate by error, fraud, or misrepresentation.

(3) remains the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.517 for the same reasons described in ARM 17.74.506.

17.74.518 FEES (1) For any CML decontamination training and testing of training providers or contractors, ~~workers, or supervisors~~ provided by the department, or through a contract with a third-party trainer, the department shall ~~charge reasonable~~ ensure fees that cover the cost of the training and testing.

(2) Concurrent with submittal of an application under this subchapter, the applicant shall pay the following fees:

~~(a) \$500 for each initial, renewal, or reciprocal CML decontamination worker certificate application;~~

~~(b) \$500 for each initial, renewal, or reciprocal CML decontamination supervisor certificate application;~~

(c) and (d) remain the same, but are renumbered (a) and (b).

(3) remains the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.518 for the same reasons described in ARM 17.74.506, and is eliminating certain fees for

certifications the department is proposing to strike from the rules.

4. The rules proposed for repeal are as follows:

17.74.502 INCORPORATION BY REFERENCE -- PUBLICATION DATES (AUTH: 75-10-1303, 75-10-1304, MCA; IMP: 75-10-1303, 75-10-1304, MCA), located at page 17-8409, Administrative Rules of Montana.

17.74.503 INCORPORATION BY REFERENCE (AUTH: 75-10-1303, 75-10-1304, MCA; IMP: 75-10-1303, 75-10-1304, MCA), located at page 17-8409, Administrative Rules of Montana.

17.74.509 WORKER AND SUPERVISOR CERTIFICATION (AUTH: 75-10-1304, MCA; IMP: 75-10-1304, MCA), located at pages 17-8413 and 17-8414, Administrative Rules of Montana.

17.74.510 WORKER AND SUPERVISOR CERTIFICATION RENEWAL (AUTH: 75-10-1304, MCA; IMP: 75-10-1304, MCA), located at pages 17-8414 and 17-8415, Administrative Rules of Montana.

REASON: The department is proposing to repeal ARM 17.74.502 and 17.74.503. In 2005, the Montana Legislature approved a bill setting indoor decontamination standards for remediation of property contaminated by the manufacture of methamphetamine. The department adopted rules implementing the provisions of Title 75, chapter 10, part 13, MCA, in 2006. The two rules being repealed refer specifically to outdated editions of the Code of Federal Regulations, the Montana Code Annotated, and federal, state, and industry guidelines that the department adopted to meet the intent of the statute. ARM 17.74.502 incorporates by reference federal training provisions that are regularly updated and commonly known by individuals certified in hazardous materials and hazardous material cleanup operations. The rule's reference to the 2005 edition of the MCA is superfluous and adds no benefit to people regulated under this subchapter. ARM 17.74.503 represents standards and methodologies that have been stricken or refined in ARM 17.74.505 and are no longer necessary to implement the statute. The department is also proposing to repeal ARM 17.74.509 and 17.74.510 in order to be consistent with the reason provided in ARM 17.74.506, which removes references in the subchapter to worker and supervisor certification.

5. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to ejohnson@mt.gov, no later than 5:00 p.m., September 18, 2014. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

6. Kirsten Bowers, attorney for the Department of Environmental Quality, has

been designated to preside over and conduct the hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to Elois Johnson at ejohnson@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

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

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

Reviewed by: DEPARTMENT OF ENVIRONMENTAL QUALITY

/s/ John F. North BY: /s/ Tracy Stone-Manning
JOHN F. NORTH TRACY STONE-MANNING, Director
Rule Reviewer

Certified to the Secretary of State, August 11, 2014.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 18.13.404, 18.13.405, and) AMENDMENT
18.13.407 pertaining to Board of)
Aeronautics grant and loan program) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On September 20, 2014, the Department of Transportation proposes to amend the above-stated rules.

2. The Department of Transportation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Transportation no later than 5:00 p.m. on Sept. 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Tim Conway, Department of Transportation, Aeronautics Division, P.O. Box 200507, Helena, Montana, 59620-0507; telephone (406) 444-9547; fax (406) 444-2519; TDD/Montana Relay Service (406) 444-7696 or (800) 335-7592; or e-mail tconway@mt.gov.

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

18.13.404 GENERAL TERMS AND CONDITIONS (1) All grant or loan monies awarded under this program must be utilized specifically for aviation or aeronautically related projects. The proposed projects ~~will~~ must be detailed in an application submitted by a public sponsor, on a form provided by the board. The applicant is responsible for retaining and providing documentation to ensure all monies received under the program are spent as applied for within the application.

(2) Applicants may submit one application only for each eligible public sponsor. A single sponsor may apply for funding for multiple aeronautically related projects or for multiple separate categories of work within a project by listing separate line items for which a grant or loan is sought. Retroactive projects which have been completed before the date of application are also eligible for grants or loans. Separate projects or categories of work on each application shall be evaluated, reviewed, and selected for award individually, according to the board's priority process under ARM 18.13.406.

(3) Changes by the applicant to application information may be made at any time up to and including the date of the board's annual grant and loan review meeting, if the changes meet all original application requirements. Changes may include, but are not limited to: cost estimates, change in sponsor priorities of separate line-item categories of work, and other changes as allowed by the board. New projects or new categories of work which did not appear on the original

application will not be considered by the board. Applications may be withdrawn by an applicant at any time.

(2) through (5) remain the same, but are renumbered (4) through (7).

(6)(8) Grant and loan recipients must follow the board's close-out procedure under ARM 18.13.407 at the conclusion of the eligible project or category of work approved by the board. A recipient of a grant or loan must retain all records of transactions and disbursements of grant or loan monies for a period of three years after completion of the project for which the grant or loan was awarded. By accepting a grant or loan, a recipient agrees that upon reasonable notice, the state of Montana may audit the records supporting the acquisition and disbursement of the grant or loan monies.

AUTH: 67-2-102, MCA

IMP: 67-1-301, 67-1-304, 67-1-306, 67-1-307, MCA

REASON: The proposed rule amendment is necessary because the Board of Aeronautics and the Aeronautics Division will begin utilizing an electronic application procedure with the 2016 grant and loan applications. The new application will require a single airport applicant's separate projects or categories of work within a project, to be listed on one application, rather than multiple applications as have been accepted in the past. The board will continue to make awards based on priorities of projects or categories of work as listed on the new applications. The proposed rule amendment will also clarify that new or additional information, not included on the original application, may be accepted by the board prior to its annual grant and loan award meeting, and during presentations at the board meeting. The proposed amendment will also clarify the requirement that new projects, not listed on the original applications, will not be accepted at the annual grant and loan award meeting. Finally, the proposed amendment will incorporate a cross-reference to the board's new close-out procedure, which procedure is proposed for inclusion in ARM 18.13.407.

18.13.405 APPLICATION PROCESS, FEES, AND DEADLINES (1) Official grant and loan applications will be sent to the manager of record of every eligible state airport no later than the last Friday in October. Grant or loan applicants shall submit applications to the Montana Aeronautics Division. All eligible applicants must complete the application form found on the Department of Transportation's web site at www.mdt.mt.gov. Paper copies of the application may be obtained by contacting the Aeronautics Division at P.O. Box 200507, Helena, MT 59620-0507. Applications for the next following fiscal year grant and loan program will be accepted by the Aeronautics Division at any time after July 1st of each year. Completed applications and all supplemental materials must be submitted electronically, by first class mail, e-mail, or hand delivery to the Aeronautics Division to be received or postmarked no later than the fourth Friday in November 15 of the appropriate year. These The deadlines deadline may be subject to change by the Aeronautics Division after official notification of any change in the deadline that is posted on the Department of Transportation's web site and sent to the official manager of record of every eligible airport.

~~(2) Official grant and loan applications, any required supplemental information, or additional program guidelines and help may also be obtained by contacting the Montana Aeronautics Division. Applications and any required supplemental information must be submitted to the Montana Aeronautics Division, Airports/Airways Bureau, P.O. Box 200507, Helena, MT 59620-0507. Each application must be complete and accompanied by all required supplemental materials. The Aeronautics Division reserves the right to reject ineligible, incomplete, or otherwise improper applications. Applications submitted electronically via the Aeronautics Division's web site must be verified via electronic signature. The division~~ The Aeronautics Division may request additional information if warranted after initial application review.

(3) and (4) remain the same.

AUTH: 67-2-102, MCA

IMP: 67-1-301, 67-1-304, 67-1-307, MCA

REASON: The proposed rule amendment is necessary because the Board of Aeronautics and the Aeronautics Division will begin utilizing an electronic application procedure with the 2016 grant and loan applications. The proposed amendments will set forth the new procedures for electronic applications, but will also allow for traditional paper copy application submission for applicants who may not have access to the electronic process.

18.13.407 TERMS AND CONDITIONS OF SUCCESSFUL APPLICANTS

(1) and (2) remain the same.

~~(3) Successful applicants who have been offered a grant or loan must submit the following documentation,~~ The Aeronautics Division must be in receipt of the appropriate documents listed below, or any combination as requested by the board in its grant or loan application approval, prior to receiving disbursing payment for approved grants or loans. Copies, examples, or official forms for the items below may be obtained from the Aeronautics Division. The Aeronautics Division will accept copies of an appropriate federal aid agreement directly from the Federal Aviation Administration. Other listed documents must be received directly from the grant or loan recipient before payment will be made by the Aeronautics Division. The Aeronautics Division will make payment upon receipt of all necessary documents.

(4) through (8) remain the same.

(9) Grants and loans awarded by the board for a fiscal year, but not requested by disbursed to the applicant within that fiscal year, will revert back to the same special aeronautics grant or loan account in the state special revenue fund from which they were originally appropriated to be used for future grant or loan awards to any applicant.

(10) Each grant or loan recipient must submit a close-out report, on a form provided by the board, within 30 days after closure of the project or board-approved category of work, or within one year after fund disbursement, whichever occurs earliest. If the project is not completed within one year following fund disbursement, the grant or loan recipient must provide a status report detailing the reason the

project has not been closed, and projected closure date upon which the close-out report will be filed.

(11) The close-out report must include information on amount requested, amount awarded by the board, and amount actually spent on board-approved project work. The grant or loan recipient must adequately account for expenditures in a manner acceptable to the board.

(12) The board may request reimbursement from the grant or loan recipient of awarded and disbursed funds not actually spent on board-approved project work.

(13) The board may pay any additional amount not previously disbursed, which may be due to the grant or loan recipient for board-approved work, up to the total amount awarded by the board. The board will not request reimbursement nor make additional disbursement for any amounts under \$500.

(14) Any grant or loan recipient which fails to provide the close-out form, status report, or any requested reimbursement is not eligible for future grant or loan awards until the deficiency is remedied.

AUTH: 67-2-102, MCA

IMP: 67-1-301, 67-1-304, 67-1-307, MCA

REASON: The proposed rule amendment is necessary because the Board of Aeronautics and the Aeronautics Division received an audit recommendation the board should impose a follow-up process to verify if the awarded funds were spent as requested by the applicants and as approved and awarded by the board. The proposed rule amendments will impose a close-out process to allow the board to verify appropriate fund expenditure. The close-out process will also allow the board to request reimbursement of funds disbursed to an applicant, but not actually spent on an approved project expenditure, as when a project is completed for less money than originally estimated. The close-out process will also allow the board to make additional disbursements of awarded funds, up to the total amount awarded, in the event a lesser disbursement was originally made, but the close-out process reveals legitimate project expenditures occurred. Finally, the proposed amendments will impose a penalty for an airport's failure to follow the close-out procedure by deeming noncompliant airport sponsors as ineligible for future grant or loan awards until they are in full compliance with the board's close-out process.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Tim Conway, Department of Transportation, Aeronautics Division, P.O. Box 200507, Helena, Montana, 59620-0507; telephone (406) 444-9547; fax (406) 444-2519; or e-mail tconway@mt.gov, and must be received no later than 5:00 p.m., September 18, 2014.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Tim Conway at the above address no later than 5:00 p.m., September 18, 2014.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 12 persons based on the approximately 115 eligible airport applicants.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department. An Administrative Rules Notice Interested Person's List Request Form is located at the Department of Transportation's web site at the following address:
http://www.mdt.mt.gov/publications/docs/forms/mdt-leg-003_interested-persons-list.pdf.

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

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

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

/s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

/s/ Michael T. Tooley
Michael T. Tooley
Director
Department of Transportation

Certified to the Secretary of State August 11, 2014.

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.165.401 fees, 24.165.404	)	PROPOSED AMENDMENT AND
applications for licensure, 24.165.407	)	ADOPTION
examinations, 24.165.501)	
supervision-general statement,)	
24.165.502 supervision-methods,)	
24.165.507 standards of practice,)	
24.165.511 documentation of)	
instruction and training, 24.165.514)	
qualifications to apply topical)	
medications-clinician defined,)	
24.165.604 inactive status,)	
24.165.2101 continuing education)	
and 24.165.2102 continuing)	
education-waiver, and the adoption of)	
NEW RULE I definitions and NEW)	
RULE II deep modality endorsement)	

TO: All Concerned Persons

1. On September 11, 2014, at 1:00 p.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

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

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

- 24.165.401 FEES (1) through (1)(f)(i) remain the same.
- (ii) sound and electrical ~~(deep)~~ 35
- (iii) topical medications (iontophoresis and phonophoresis) 20
- (2) and (3) remain the same.

AUTH: 37-1-131, 37-24-201, 37-24-202, 37-24-310, MCA

IMP: 37-1-134, 37-1-141, 37-24-306, 37-24-310, MCA

REASON: The board is amending this rule to align with the terminology used in board statutes on modality applications. Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.165.404 APPLICATIONS FOR LICENSURE (1) through (6) remain the same.

(7) All requests for reasonable accommodations under the Americans with Disabilities Act of 1990, ~~42 USC sections 12101, et seq.,~~ (ADA) must be made on forms provided by the board and submitted in advance of the requested accommodation.

AUTH: 37-1-131, 37-24-201, 37-24-202, MCA

IMP: 37-1-131, 37-24-302, 37-24-303, MCA

REASON: The board is deleting the full citation to the Americans with Disabilities Act since the citation will change with amendments to the Act. Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

24.165.407 EXAMINATIONS (1) through (4) remain the same.

(5) Examinations will be given ~~two times a year~~ as set by the NBCOT.

AUTH: 37-1-131, 37-24-201, 37-24-202, MCA

IMP: 37-24-303, ~~37-24-304~~, MCA

REASON: The board is amending (5) since the NBCOT sets examination schedules, and exams may not occur two times a year. The board is amending the implementation citations to delete reference to a repealed statute and accurately reflect all statutes implemented through the rule.

24.165.501 SUPERVISION - GENERAL STATEMENT (1) ~~(Adapted from the American Occupational Therapy Association Position Statement on Supervision, 1993). The supervisor shall determine the degree of supervision to administer to the supervisee based on the supervisor's estimation of the supervisee's clinical experience, responsibilities, and competence at a minimum. A supervising occupational therapist may supervise no more than two occupational therapy assistants.~~

(2) through (6) remain the same.

AUTH: 37-1-131, 37-1-319, 37-24-201, 37-24-202, MCA

IMP: 37-1-305, 37-24-103, 37-24-106, 37-24-107, MCA

REASON: The board determined it is reasonably necessary to amend (1) regarding licensee supervision of occupational therapy assistants. The board discussed the

common complaint among occupational therapists of being assigned too many assistants to adequately supervise, and noted this was a topic at a 2013 National Board for Certification in Occupational Therapy (NBCOT) conference. The board determined the current rule does not provide enough specific guidance to licensees and concluded that limiting supervision to two assistants will help ensure adequate standard of care and compliance with documentation requirements.

24.165.502 SUPERVISION - METHODS (1) through (3) remain the same.

AUTH: 37-1-131, ~~37-1-319~~, 37-24-202, MCA

IMP: 37-1-131, ~~37-1-305~~, 37-24-103, 37-24-105, 37-24-106, 37-24-107, MCA

REASON: Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.165.507 STANDARDS OF PRACTICE (1) The board adopts by reference the 2010 American Occupational Therapy Association's Standards of Practice, ~~dated March 1992~~. A copy of these standards is available from the office of the Board of Occupational Therapy Practice.

AUTH: 37-24-202, MCA

IMP: 37-24-105, 37-24-106, MCA

REASON: The board is amending this rule to refer to the most current version of the AOTA Standards of Practice, as these were updated in 2010.

24.165.511 DOCUMENTATION OF INSTRUCTION AND TRAINING

(1) remains the same.

AUTH: 37-24-201, 37-24-202, MCA

IMP: 37-24-105, 37-24-106, 37-24-107, MCA

REASON: The board is amending the implementation citations to accurately reflect all statutes implemented through the rule.

24.165.514 QUALIFICATIONS TO APPLY TOPICAL MEDICATIONS - CLINICIAN DEFINED (1) Prior to the administration or use of topical medications on a patient, an occupational therapist ~~desiring to administer or use topical medications on a patient~~ shall, ~~in addition to the~~:

(a) successfully complete instruction or training provided ~~for~~ in 37-24-106, MCA, and ARM 24.165.513, for the use of sound and electrical physical agent modalities; and

(b) successfully complete five hours of instruction or training approved by the board in:

(a) (i) principles of topical drug interaction;

(b) (ii) adverse reactions and factors modifying response;
(c) (iii) actions of topical drugs by therapeutic classes; and
(d) (iv) techniques by which topical drugs are administered; and
(2) (c) ~~In addition to the five hours of instruction required by (1), a licensee shall, pursuant to 37-24-107, MCA, prior to administering topical medication, perform one proctored treatment in direct application of topical medications under the direct supervision of a licensed medical practitioner, as described in ARM 24.156.510(2) 24.165.510(2), and either:~~

(a) (i) two proctored treatments in phonophoresis under the direct supervision of a licensed medical practitioner; or

(b) (ii) three proctored treatments of iontophoresis under the direct supervision of a licensed medical practitioner.

(3) (2) For the purposes of the rules related to application of topical medications by occupational therapists, the term "clinician" means an occupational therapy licensee who has been approved by the board to administer topical medications.

AUTH: 37-24-201, 37-24-202, MCA

IMP: 37-24-106, 37-24-107, 37-24-108, MCA

REASON: The board determined it is reasonably necessary to amend this rule for better organization and clarity. The board is amending the implementation citations to accurately reflect all statutes implemented through the rule.

24.165.604 INACTIVE STATUS (1) and (2) remain the same.

AUTH: 37-1-131, 37-1-319, 37-24-201, 37-24-202, MCA

IMP: 37-1-319, ~~37-24-308~~, MCA

REASON: Implementation citations are being amended to delete reference to a repealed statute and accurately provide all statutes implemented through the rule.

24.165.2101 CONTINUING EDUCATION (1) ~~On a form provided by the department, all applicants for renewal of licenses~~ All licensees shall affirm on the renewal form that they have completed ten contact hours of continuing education as provided in this rule. The continuing education requirement will not apply until the licensee's first full year of licensure.

(2) The licensee shall maintain records and documentation of completion of continuing education activities such as verification of participation forms, conference brochures, certificates, college or university transcripts or grade reports, articles, book reviews, and apprenticeship evaluations.

(3) It is the sole responsibility of each licensee to meet the continuing education requirement, and to provide documentation of compliance if so requested during a random audit. A random audit of ten percent of renewed active licensees will be conducted on an annual basis.

~~(4) Up to ten contact hours earned in excess of the ten contact hours required in a licensing year may be carried over into the following year. Credit may be received for a course previously submitted on a biannual basis only.~~

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

~~(7) (6) Subject to board approval by the board, continuing education may be earned:~~

~~(a) through college course work, according to the following limitations:~~

~~(a) (i) the licensee must pass the course; ;~~

~~(b) (ii) one semester credit shall equal 15 contact hours of continuing education; ; and~~

~~(c) (iii) one quarter credit shall equal ten contact hours of continuing education.~~

~~(8) (b) Subject to approval by the board, continuing education may be earned by teaching courses or making professional presentations, according to the following limitations:~~

~~(a) (i) two contact hours shall be awarded for every hour of presentation; ;~~

~~(b) (ii) documentation must be submitted in the form of an agenda or outline listing showing the licensee as the instructor or presenter of the course; ;~~

~~(c) (iii) the course must be addressed to health professionals or a community service organization; ;~~

~~(d) (iv) credit for instruction of any course or topic of presentation may be submitted for continuing education only once; ; and~~

~~(e) (v) individuals employed by universities and colleges may not claim credit units in this category for conducting courses that are a part of the regular course offering of those institutions, even if those courses are offered in the evening or summer.~~

~~(9) (c) Subject to approval by the board, continuing education may be earned for apprenticeships involving supervised clinical experience aimed at return to practice or developing specialized skills in occupational therapy, according to the following limitations:~~

~~(a) (i) ten contact hours shall be credited for each 40 hour week; ;~~

~~(b) (ii) there is no limit to the amount of contact hours that can be earned under this category; ;~~

~~(c) (iii) documentation must be submitted in the form of a signed letter from the clinical supervisor describing the length and type of educational experiences, and an evaluation of the practitioner's performance; ; and~~

~~(d) remains the same but is renumbered (iv).~~

~~(10) (d) Subject to approval by the board, continuing education may be earned for by reading books germane to the profession, according to the following limitations:~~

~~(a) remains the same but is renumbered (i).~~

~~(b) (ii) documentation must be maintained in the form of a book review written by the licensee noting the author, title, publisher, and publishing date of the book or article; ; and~~

~~(e) by attending and participating in a live presentation (workshop, seminar, conference, in-service education program) or other continuing education activity~~

requiring a formal assessment of learning (electronic or web-based courses, formalized self-study courses), according to the following limitations:

- (i) one contact hour shall be awarded for every hour awarded by the provider;
- (ii) there is no limit to the number of contact hours that can be earned under this category; and
- (iii) documentation must include a certificate of completion or similar document including course name, date, author/instructor, sponsoring organization, location, and number of hours attended.

AUTH: 37-1-131, 37-1-319, 37-24-202, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

REASON: The board determined it is reasonably necessary to amend this rule throughout to more clearly set forth the continuing education (CE) requirements and comply with the formatting standards of the Montana Secretary of State.

The board is amending (3) to specify that ten percent of renewed active licensees are subject to annual random audit for CE compliance. The department administration has requested all boards to place their audit percentage in rule to assist the new audit unit in performing its functions.

It is reasonably necessary to strike (4) and eliminate the ability for licensees to carry over CE credits from one year to the next. The board notes that allowing carryover credits requires staff to manually track the credits and maintain records over several years, which results in higher costs to be paid through higher licensing fees. The board concluded that the administrative and cost burdens associated with carryover credits far outweigh any benefit to public safety.

The board is adding (6)(e) to allow licensees to obtain CE through live presentations, and electronic and self-study methods. The board notes that the high costs of CE and taking time away from work are often hardships to licensees. The board further acknowledges that electronic and self-study CE are now more accessible and of more consistent quality. Licensees have requested the board accept web-based CE formats, and the board is now amending this rule to allow this CE method while requiring formal learning assessment to ensure public safety.

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

24.165.2102 CONTINUING EDUCATION - WAIVER (1) The board may grant waivers or extensions of time within which to fulfill continuing education requirements in cases involving physical disability or undue hardship.

(2) To be considered for a waiver, an applicant shall submit a written application on forms provided by the board.

(3) Waivers may be granted for ~~a period~~ periods not to exceed two calendar years. ~~In the event the physical disability or undue hardship for which the~~ Should the reason for granting a waiver has been granted continues ~~continue~~ beyond the ~~waiver period of waiver~~, the licensee must ~~reapply~~ apply for an extension of the ~~waiver~~.

(4) The board will not grant any waiver to applicants who:

- (a) have attested to meeting continuing education requirements at renewal;
or
(b) are currently subject to a random audit.

AUTH: 37-1-131, 37-1-319, 37-24-202, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, ~~37-24-105~~, ~~37-24-106~~, MCA

REASON: In response to questions from the department audit unit, the board determined it is reasonably necessary to add (4) to specify the instances where the board will not grant a CE waiver. The board concluded that because CE is required to help ensure skilled, competent licensees, it is inconsistent to grant waivers to licensees who state their CE compliance at renewal, then request a waiver to obtain CE credits that they actually lack.

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

4. The proposed new rules provide as follows:

NEW RULE I DEFINITIONS For the purpose of this chapter the following definitions apply:

(1) "Deep modalities" means the use of a sound or electrical physical agent modality which penetrates past the subcutaneous layer of fat into the muscle through the application of heat, cold, ultrasound, phonophoresis, or iontophoresis.

(2) "Deep modality endorsement" means that a licensed occupational therapist has met the statutory requirements in the use of sound and electrical physical agent modalities and occupational therapy techniques involving topical medications.

(3) "Qualified occupational therapist" means that the supervising occupational therapist has been certified in the modality supervised.

(4) "Superficial modalities" means physical agent modalities including hot packs, cold packs, ice, fluidotherapy, paraffin, water, and other commercially available superficial heating and cooling devices used on the surface of the skin.

(5) "Topical medications" means medications applied locally to the skin and includes only medications listed in 37-24-108(2), MCA, for which a prescription is required under state or federal law.

AUTH: 37-24-201, 37-24-202, MCA

IMP: 37-24-103, 37-24-105, 37-24-106, 37-24-107, 37-24-108, MCA

REASON: The board determined it is reasonably necessary to adopt New Rule I and define certain terms used in the board statutes and further clarify the meaning of physical agent modalities. During the updating of the application forms for modality endorsement, staff questioned the meaning of these terms, and the board is defining them now to provide clarity for staff and licensees.

NEW RULE II DEEP MODALITY ENDORSEMENT (1) The board may grant a deep modality endorsement to a licensed occupational therapist who has met the requirements of 37-24-105, 37-24-106, and 37-24-107, MCA, in the use of sound and electrical physical agent modalities and occupational therapy techniques involving topical medications.

AUTH: 37-1-131, 37-24-202, MCA

IMP: 37-1-131, 37-24-105, 37-24-106, 37-24-107, MCA

REASON: The board determined it is reasonably necessary to adopt this rule on the deep modality license endorsement for OT licensees meeting the requirements of 37-24-105, 37-24-106, and 37-24-107, MCA. To address questions from the licensing bureau and facilitate efficient, standardized licensing processes, the board is adopting this rule to clearly set forth the deep modality endorsement requirements.

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 Occupational Therapy Practice, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdotp@mt.gov, and must be received no later than 5:00 p.m., September 19, 2014.

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

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

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

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.165.401, 24.165.404, 24.165.407, 24.165.501, 24.165.502, 24.165.507, 24.165.511, 24.165.514, 24.165.604, 24.165.2101 and 24.165.2102 will not significantly and directly impact small businesses.

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

Documentation of the board's above-stated determinations is available upon request to the Board of Occupational Therapy Practice, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2390; facsimile (406) 841-2305; or e-mail dlibsdotp@mt.gov.

10. Mark Jette, Attorney, has been designated to preside over and conduct this hearing.

BOARD OF OCCUPATIONAL THERAPY
PRACTICE
NATE NAPRSTEK, CHAIR

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

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

Certified to the Secretary of State August 11, 2014

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.2.405 and 32.18.110	)	AMENDMENT
pertaining to department of livestock)	
miscellaneous fees and recording	)	NO PUBLIC HEARING
and transferring of brands	)	CONTEMPLATED

TO: All Concerned Persons

1. On September 22, 2014, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on September 10, 2014, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: cmackay@mt.gov.

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

32.2.405 DEPARTMENT OF LIVESTOCK MISCELLANEOUS FEES

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

(p) Recording or transfer of a new mark or brand, ~~recording a mark or brand transfer:~~

(i) new mark or brand (livestock or ornamental) \$200.00

(ii) transfer of new mark or brand (livestock or ornamental) \$200.00

(iii) seasonal mark or brand for going to grass \$200.00

(iv) seasonal mark or brand for going to feedlot, market, or location \$50.00

(~~q~~) (q) Rerecording a mark or brand (livestock or ornamental) \$100.00

(q) through (s) remain the same but are renumbered (r) through (t).

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

IMP: 81-3-107, 81-3-205, 81-3-211, 81-8-304, 81-9-~~112~~ 113, MCA

32.18.110 RECORDING AND TRANSFERRING OF BRANDS (1) remains the same.

(a) Except for seasonal market, feedlot, or location brands which will be issued by department district or state inspectors only.

(2) New brands:

(a) livestock and ornamental:

(i) Application forms for new brands are available on the department web site, at the brand office in Helena, and at brand offices located in livestock auction yards.

(a) remains the same but is renumbered (a)(ii).

~~(3) The refund policy is:~~

~~(a) fifty percent of the fee to record or transfer a brand is nonrefundable;~~

~~(b) if the applicant fails to respond to the brand recording office for a period of more than six months, the entire brand recording fee becomes nonrefundable.~~

~~(4) (b) The brand recorder shall process the livestock and ornamental applications in the following manner:~~

~~(a) through (c)(ii) remain the same but are renumbered (b)(i) through (b)(v).~~

~~(vi) The refund policy applies to livestock, ornamental, and seasonal brands for going to grass:~~

~~(A) fifty percent of the fee to record or transfer a brand is nonrefundable;~~

~~(B) if the applicant fails to respond to the brand recording office for a period of more than six months, the entire brand recording fee becomes nonrefundable.~~

~~(3) Seasonal brands for going to grass:~~

~~(a) applications are available only at the Helena brand office; and~~

~~(b) will be processed by the brand recorder in the same manner as new mark or brand applications.~~

~~(4) Seasonal brand for a feedlot, market, or location (allowing other state brand to be applied in Montana):~~

~~(a) will be issued only by a district or state inspector and only if the following conditions are met:~~

~~(i) the owner of the out-of-state brand shall provide proof of current brand ownership;~~

~~(ii) the application will be completed and, if a seasonal brand is issued, it will be valid for 36 hours;~~

~~(iii) the livestock that are on the application will be worked off the Montana brand/Montana inspections and be destined only to the state listed on the seasonal brand application;~~

~~(iv) the seasonal brand will be noted on the movement inspection only and will have no ownership value; and~~

~~(v) the owner will be totally responsible to ensure the livestock leave the state of Montana within the 36 hours;~~

~~(b) should any livestock be found within the state of Montana without proper paperwork from the brand state it will be considered a violation of this provision, and~~

~~(i) will result in a penalty equal to the cost to investigate the matter, and~~

~~(ii) may result in no other seasonal feedlot brand applications being issued to the offender.~~

~~(5) through (8) remain the same.~~

AUTH: 81-1-102, 81-3-404 103, 81-3-106, MCA

IMP: 81-1-102, 81-3-107, MCA

REASON: The department proposes to amend the above-stated rules to add seasonal brands and fees at the request of producers to allow the application of

another state's brand in Montana on cattle for seasonal grazing, or movement to feedlot or market under prescribed circumstances. The new fee added for seasonal brands must, by statute, be set at levels commensurate with the costs of research and issue of the seasonal brand, or inspection prior to issue of the seasonal feedlot or market brand.

The new seasonal fee charged by the department brand enforcement division will potentially affect approximately 25 producers who may apply for seasonal brands. The cumulative amount of the fee increase will be approximately \$5,000, based on this number of producers.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov, and must be received no later than 5:00 p.m., September 22, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments to the same address as above. The written request for hearing must be received no later than 5:00 p.m., September 22, 2014.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 3, based upon the estimate that 25 producers may apply for a seasonal brand.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text

will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

DEPARTMENT OF LIVESTOCK

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

BY: /s/ Robert Stutz
Robert Stutz
Rule Reviewer

Certified to the Secretary of State, August 11, 2014

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.6.712 pertaining to food	)	AMENDMENT
safety and inspection service (meat)	
and poultry)	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On September 22, 2014, the Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on September 10, 2014, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: cmackay@mt.gov.

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

32.6.712 FOOD SAFETY AND INSPECTION SERVICE (MEAT, POULTRY)

(1) through (1)(i) remain the same.

(j) 9 CFR 381.300 through 9 CFR 381.524; and

(k) 9 CFR 416.1 through 9 CFR 441.10 500.8; ~~and~~

~~(l) 9 CFR 500.1 through 9 CFR 500.8.~~

(2) through (3) remain the same.

AUTH: 81-2-102, 81-2-104, 81-9-220, MCA

IMP: 81-2-102, 81-2-104, 81-9-217, 81-9-220, MCA

REASON: The department proposes to amend the above-stated rule to bring it up to date with current federal regulations effective as of March 18, 2014. No fees have been added or changed.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov and must be received no later than 5:00 p.m., September 18, 2014.

5. If persons who are directly affected by the proposed action wish to express

their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., September 18, 2014.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons 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 public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the facilities that may come under inspection.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

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

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

DEPARTMENT OF LIVESTOCK

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

BY: /s/ Robert Stutz
Robert Stutz
Rule Reviewer

Certified to the Secretary of State August 11, 2014

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

In the matter of the amendment of)
ARM 37.104.3001, 37.104.3012,)
37.104.3013, 37.104.3021, and)
37.104.3022 pertaining to updating)
the state trauma plan to reflect)
current dates, terminology, and)
medical practice)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On September 15, 2014, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on September 8, 2014, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.104.3001 DEFINITIONS In addition to the definitions in 50-6-401, MCA, the following definitions apply to this subchapter:

(1) ~~(11)~~ "~~Appendix I of the State Trauma Plan~~" means the appendix of the ~~2006-2010 Montana Trauma System Plan~~ that "Montana Trauma Facility Designation Criteria (2014)" means the document that contains the requirements for a facility to meet in order to be designated as a particular type of trauma care facility. The department adopts and incorporates by reference ~~Appendix I of the department's 2006-2010 Montana Trauma Facility Designation Criteria (2014)~~ located within the Montana Trauma System Plan, which sets forth the facility requirements for designation of trauma facilities. A copy of ~~Appendix I of the 2006-2010 Montana State Trauma Plan~~ the Montana Trauma Facility Designation Criteria (2014) may be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Emergency Medical Services and Trauma Systems Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951 or at this web site: <http://www.dphhs.mt.gov/ems/trauma/designation/designation.shtml>.

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

~~(3)~~ (2) "Application" means the submission of written information by a health care facility, on forms required by the department, requesting designation as a specific level of trauma facility and providing information regarding its compliance with the criteria in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan concerning the resources a facility must have to qualify as that level of trauma facility.

~~(4)~~ (3) "Area trauma hospital" means a health care facility that is designated by the department as having met the essential standards for area trauma hospitals as specified in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

~~(5)~~ (4) "Community trauma facility" means a health care facility that is designated by the department as having met the standards for a community trauma facility as described in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

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

~~(7)~~ (6) "Designated facility" refers to a health care facility that has been determined by the department to satisfy the requirements of one of the four categories of trauma facilities as described in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

~~(8)~~ (7) "Designation" means a formal determination by the department that a health care facility has met the requirements for a level of trauma facility as described in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

(9) and (10) remain the same but are renumbered (8) and (9).

~~(11)~~ (10) "Focused review" means a method established by the department to assess a health care facility's compliance with a corrective action plan to meet the resource criteria in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

(12) through (17) remain the same.

(18) "Regional trauma center" means a health care facility that is designated by the department as having met the criteria for a regional trauma center as described in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

(19) through (23) remain the same.

(24) "Trauma receiving facility" means a health care facility that is designated by the department as having met the criteria for a trauma receiving facility as described in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

AUTH: 50-6-402, MCA

IMP: 50-6-401, 50-6-402, MCA

37.104.3012 LEVELS OF TRAUMA FACILITIES (1) remains the same.

(2) Requirements for each level are contained in Appendix I the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

AUTH: 50-6-402, MCA

IMP: 50-6-402, MCA

37.104.3013 TRAUMA FACILITY REQUIREMENTS (1) A designated trauma facility must:

(a) and (b) remain the same.

(c) continue to provide the resources required for its designated level of trauma facility, as described in ~~Appendix I~~ the Montana Trauma Facility Designation Criteria of the State Trauma Plan.

(2) If the designated facility is unable to provide the care required by (1), it must:

(a) observe the trauma diversion plan required by ~~Appendix I~~ the Montana Trauma Facility Designation Criteria of the State Trauma Plan for its facility; and

(b) through (4) remain the same.

AUTH: 50-6-402, MCA

IMP: 50-6-402, 50-6-410, MCA

37.104.3021 DESIGNATION PROCEDURES FOR FACILITIES NOT VERIFIED BY AMERICAN COLLEGE OF SURGEONS (1) A Montana health care facility that is not currently verified by the American College of Surgeons as meeting the American College of Surgeons' criteria to qualify for verification as a trauma facility and that wishes a designation or renewal of designation as a Montana trauma facility ~~shall~~ must submit to the department an application for trauma facility designation, supplied by the department.

(2) The application must:

(a) remains the same.

(b) provide information about the facility's compliance with ~~the trauma facility resource criteria in Appendix I~~ the Montana Trauma Facility Designation Criteria of the State Trauma Plan that are required for that level of trauma facility.

(3) The department ~~shall~~ will review the application for completeness and ~~shall~~ within 30 days, after receiving the application, notify the health care facility that:

(a) and (b) remain the same.

(4) When the application is complete, the department ~~shall~~ will:

(a) and (b) remain the same.

(5) The health care facility ~~shall~~ must:

(a) and (b) remain the same.

(6) The site review team ~~shall~~ will:

(a) review the commitment and capabilities of the applicant health care facility to meet the resource criteria described in ~~Appendix I~~ the Montana Trauma Facility Designation Criteria of the State Trauma Plan for the level of designation sought, based upon consideration of all pertinent information, including ~~but not limited to~~:

(i) through (c) remain the same.

(7) The department ~~shall~~ will review the report of the site review team and forward a copy to the designation subcommittee.

(8) The designation subcommittee ~~shall~~ will review the report of a site review team at the next quarterly State Trauma Care Committee meeting and make a recommendation to the department regarding the trauma designation of the applicant facility.

(9) The department ~~shall~~ must:

(a) and (b) remain the same.

(10) The department ~~shall~~ will take one of the following actions:

(a) designate the applicant as qualifying for the trauma facility level requested, providing there is compliance with the trauma facility resource criteria in ~~Appendix I~~ the Montana Trauma Facility Designation Criteria of the State Trauma Plan;

(b) through (d) remain the same.

AUTH: 50-6-402, MCA

IMP: 50-6-402, 50-6-410, MCA

37.104.3022 DESIGNATION PROCEDURES FOR FACILITIES VERIFIED AS A TRAUMA FACILITY BY AMERICAN COLLEGE OF SURGEONS (1) A health care facility with a current certificate of verification from the American College of Surgeons as a trauma facility qualifies as one of the following types of Montana trauma facility as set out in (2), providing it submits an application, department staff attend the on-site review conducted by the American College of Surgeons, and the facility demonstrates compliance with any requirements described in ~~Appendix I~~ the Montana Trauma Facility Designation Criteria of the State Trauma Plan that may exceed the American College of Surgeons' standards in the college's document entitled "Resources for Optimal Care of the Injured Patient: ~~1999~~ 2014". A copy of this document may be obtained as set forth in (8).

(2) remains the same.

(3) A Montana health care facility that is seeking verification or reverification by the American College of Surgeons as a trauma center and wishes to be designated as a Montana trauma facility must submit to the department:

(a) remains the same.

(b) any additional information required by the department to verify compliance with any requirements described in ~~Appendix I~~ the Montana Trauma Facility Designation Criteria of the State Trauma Plan that exceed the American College of Surgeons' standards;

(c) and (d) remain the same.

(4) The department ~~shall~~ will review the application for completeness and ~~shall~~ within 30 days after receiving the application:

(a) and (b) remain the same.

(5) When the application and the site review are complete, and the American College of Surgeons' letter is received that indicates whether the facility is successfully verified as a trauma facility, the department ~~shall~~ will provide a copy of the application and the letter to the designation subcommittee at the next quarterly State Trauma Care Committee meeting.

(6) The designation subcommittee ~~shall~~ will review the application and American College of Surgeons' letter at the next quarterly State Trauma Care

Committee meeting and make a recommendation to the department regarding the trauma designation of the applicant facility.

(7) Within 30 days after receiving a recommendation from the designation subcommittee, the department ~~shall~~ will take one of the following actions:

(a) through (d) remain the same.

(8) The department adopts and incorporates by reference "Resources for Optimal Care of the Injured Patient: ~~1999~~ 2014," published by the American College of Surgeons. The document contains the trauma facility criteria used by the American College of Surgeons in its process for verification of trauma facilities. A copy may be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Emergency Medical Services and Trauma Systems Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

AUTH: 50-6-402, MCA

IMP: 50-6-402, 50-6-410, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing amendments to ARM 37.104.3001, 37.104.3012, 37.104.3013, 37.104.3021, and 37.104.3022. These proposed amendments are needed to bring the rules up to date with current medical standards of care and practice guidelines. Medical standards of care and practice guidelines have changed since 2006 when these rules were adopted. The requirements that must be met in order to be designated as a particular type of trauma care facility need to be updated to reflect today's practice standards and remain applicable and usable to customers across the state.

The American College of Surgeons has recently released a new version of their criteria "Resources for Optimal Care of the Injured Patient 2014." Currently, the rules refer to "Resources for Optimal Care of the Injured Patient 1999" and need to be updated to reflect the most recent version.

The department is proposing changes throughout the rule by removing the term "shall" and replacing it with either "must" or "will" in order to update the rule language to current department standards.

These proposed amendments will be effective on January 1, 2015. The department is allowing time for the programs to review and implement the changes to these rules.

ARM 37.104.3001

The department is proposing to change the reference to "Appendix I" to the new title "Montana Trauma Facility Designation Criteria" and update the date of incorporation by reference to 2014.

ARM 37.104.3012, 37.104.3013, 37.104.3021, and 37.104.3022

The department is proposing to change all references to "Appendix I" to the title "Montana Trauma Facility Designation Criteria." The name of "Appendix I" needs to be altered to refer to the actual name of the document for ease and clarity.

ARM 37.104.3022

The department is proposing to amend the date of the American College of Surgeons' standards document from 1999 to the most current document dated 2014. This is necessary to ensure the department is using the most current standards.

Fiscal Impact

Montana Trauma Facility Designation Criteria closely follow American College of Surgeon standards. There are four levels of designation and the individual standards are defined as either an essential "E" or desirable "D" criterion. Any fiscal impact would be to the designating facilities in the realm of workforce requirements or equipment needs in order to meet standards for designation. This could potentially affect up to 63 hospitals that are currently designated or seeking designation.

5. The department intends to adopt these proposed amendments effective January 1, 2015.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., September 18, 2014.

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

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all

concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

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

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

Certified to the Secretary of State August 11, 2014.

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

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 37.88.205, 37.88.305, and) AMENDMENT
37.88.605 pertaining to updating the)
date of the current procedural) NO PUBLIC HEARING
terminology (CPT) codes) CONTEMPLATED

TO: All Concerned Persons

1. On September 20, 2014, the Department of Public Health and Human Services proposes to amend the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on September 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.88.205 LICENSED CLINICAL SOCIAL WORK SERVICES, REQUIREMENTS (1) remains the same.

(2) For purposes of Medicaid coverage and reimbursement, licensed social work services are limited to the services designated in the department's Covered Social Work CPT Codes List ~~(2004)~~ (2014). The department adopts and incorporates by reference the Covered Social Work CPT Codes List ~~(2004)~~ (2014). A copy of the Covered Social Work CPT Codes List ~~(2004)~~ (2014) may be obtained from the department web site at <http://medicaidprovider.hhs.mt.gov/providerpages/providerpage/58.shtml> or Department of Public Health and Human Services, Addictive and Mental Disorders Division, ~~555 Fuller~~, P.O. Box 202905, Helena, MT 59620-2905.

(3) remains the same.

(4) When an eligible child receives licensed clinical social worker services and the provider consults with the parent as part of the child's treatment, the time with the parent may be billed to Medicaid under the child's name, subject to the requirements of these rules. The provider ~~shall~~ must indicate on the claim that the child is the patient and state the child's diagnosis. ~~He shall~~ The provider must also indicate consultation was with the parent.

(5) through (7) remain the same.

(8) Inpatient social work services provided in a hospital on an inpatient basis that are covered by Medicaid as part of the diagnosis related group (DRG) payment under ARM 37.86.2907 are not reimbursable as licensed clinical social worker services. These noncovered services include:

(a) and (b) remain the same.

(c) ~~services, including, but not limited to, group therapy,~~ that are required as part of hospital licensure or certification.

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

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

37.88.305 LICENSED PROFESSIONAL COUNSELOR SERVICES, REQUIREMENTS (1) remains the same.

(2) For purposes of Medicaid coverage and reimbursement, licensed professional counselor services are limited to the services designated in the department's Covered Licensed Professional Counselor CPT Codes List ~~(2004)~~ (2014). The department adopts and incorporates by reference the Covered Licensed Professional Counselor CPT Codes List ~~(2004)~~ (2014). A copy of the Covered Licensed Professional Counselor CPT Codes List ~~(2004)~~ (2014) may be obtained from the department web site at <http://medicaidprovider.hhs.mt.gov/providerpages/providertype/58.shtml> or Department of Public Health and Human Services, Addictive and Mental Disorders Division, ~~555 Fuller,~~ P.O. Box 202905, Helena, MT 59620-2905.

(3) remains the same.

(4) When an eligible child receives professional counselor services and the professional counselor consults with the parent as part of the child's treatment, the time with the parent may be billed to Medicaid under the child's name, subject to the requirements of these rules. The provider ~~shall~~ must indicate on the claim that the child is the patient and state the child's diagnosis. ~~He shall~~ The provider must also indicate consultation was with the parent.

(5) through (7) remain the same.

(8) Inpatient professional counselor services provided in a hospital on an inpatient basis that are covered by Medicaid as part of the diagnosis related group (DRG) payment under ARM 37.86.2907 are not reimbursable as licensed professional counselor services. These noncovered services include:

(a) and (b) remain the same.

(c) ~~services, including, but not limited to, group therapy,~~ that are required as part of hospital licensure or certification.

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

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

37.88.605 LICENSED PSYCHOLOGIST SERVICES, REQUIREMENTS

(1) remains the same.

(2) For purposes of Medicaid coverage and reimbursement, licensed psychologist services are limited to the services designated in the department's Covered Psychologist CPT Codes List ~~(2004)~~ (2014). The department adopts and

incorporates by reference the Covered Psychologist CPT Codes List ~~(2004)~~ (2014). A copy of the Covered Psychologist CPT Codes List ~~(2004)~~ (2014) may be obtained from the department web site at <http://medicaidprovider.hhs.mt.gov/providerpages/providerpage/58.shtml> or Department of Public Health and Human Services, Addictive and Mental Disorders Division, ~~555 Fuller~~, P.O. Box 202905, Helena, MT 59620-2905.

(3) remains the same.

(4) When an eligible child receives licensed psychologist services, and the psychologist consults with the parent as part of the child's treatment, time spent with the parent may be billed to Medicaid under the child's name, subject to the requirements of these rules. The provider shall must indicate on the claim that the child is the patient and state the child's diagnosis. ~~He shall~~ The provider must also indicate consultation was with the parent.

(5) and (6) remain the same.

(7) Licensed psychologist services provided in a hospital on an inpatient basis that are covered by Medicaid as part of the diagnosis related group (DRG) payment under ARM 37.86.2907 are not reimbursable as psychological services. These noncovered services include:

(a) remain the same.

(c) ~~services including, but not limited to, group therapy,~~ that are required as a part of hospital licensure or certification.

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

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

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing amendments to ARM 37.88.205, 37.88.305, and 37.88.605 regarding updating the date of the 2004 CPT Codes to 2014. The 2004 CPT Codes are outdated and these are necessary housekeeping amendments to update the CPT Codes to the current fee schedule year. The Addictive and Mental Disorders Division (AMDD) have moved to a new location so it is necessary to remove their old address.

The department is proposing minor corrections and revisions to the rule to ensure consistent use of terminology and to comply with current grammar and formatting requirements.

The current 2014 CPT Code fee schedules may be viewed at the following web site: <http://medicaidprovider.hhs.mt.gov/providerpages/providerpage/58.shtml>.

ARM 37.88.205, 37.88.305, and 37.88.605

The department is proposing in each of these rules to update the adoption date of the Covered Psychologist CPT Codes List from 2004 to 2014. The address at 555 Fuller is being removed because the AMDD has relocated. They are using their post office box for their mailing address.

Fiscal Impact

These proposed amendments are expected to be budget neutral as no services are being added or changed.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on September 18, 2014. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

6. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kenneth Mordan at the above address no later than 5:00 p.m., September 18, 2014.

7. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 11 persons based on a total of 105 persons enrolled in this program.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

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

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

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

/s/ Valerie Bashor
Valerie Bashor
Rule Reviewer

Robert Runkel for Richard H. Opper
Richard H. Opper, Director
Public Health and Human Services

Certified to the Secretary of State August 11, 2014.

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

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 37.87.807 and the repeal of) AMENDMENT AND REPEAL
ARM 37.87.701 pertaining to the)
revision of fee schedules for Medicaid) NO PUBLIC HEARING
provider rates) CONTEMPLATED

TO: All Concerned Persons

1. On September 20, 2014, the Department of Public Health and Human Services proposes to amend and repeal the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on September 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.87.807 CASE MANAGEMENT SERVICES, COVERED SERVICES

(1) and (2) remain the same.

~~(3) Montana Medicaid does not reimburse any of the following activities for case management:~~

~~(a) the direct delivery of a medical, educational, social, or other service to which an eligible individual has been referred;~~

~~(b) transportation services;~~

~~(c) Medicaid eligibility determination and redetermination activities; and~~

~~(d) services provided by the case manager while the youth is in a psychiatric residential treatment facility in accordance with ARM 37.87.1222.~~

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

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, MCA

4. The department proposes to repeal the following rule:

37.87.701 COMMUNITY-BASED PSYCHIATRIC REHABILITATION SUPPORT SERVICES is found on page 37-21335 of the Administrative Rules of Montana.

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

5. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing to amend ARM 37.87.807 and repeal ARM 37.87.701 for the purpose of clarifying existing policies pertaining to services for children's mental health.

ARM 37.87.701

The department is proposing to repeal this rule because the information that is contained in it will be located in the proposed "Children's Mental Health Bureau Medicaid Services Provider Manual" referenced in MAR Notice No. 37-679.

ARM 37.87.807

The department is proposing changes to the Targeted Case Management (TCM) rules by removing references to non-covered TCM services which is defined in the proposed "Children's Mental Health Bureau Medicaid Services Provider Manual." This manual is anticipated to be effective on September 5, 2014.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on September 18, 2014. Comments may also be faxed to (406) 444-9744 or e-mailed to dphhslegal@mt.gov.

7. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kenneth Mordan at the above address no later than 5:00 p.m., September 18, 2014.

8. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be zero persons based upon the language in this rule was relocated into the proposed Children's Mental Health Bureau Medicaid Services Provider Manual noticed in MAR Issue No. 13, p. 1491 (Notice No. 37-679).

9. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

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

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

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

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

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

Certified to the Secretary of State August 11, 2014.

BEFORE THE BOARD OF REVIEW
DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 42.8.101, 42.8.102, and) AMENDMENT
42.8.104 pertaining to the revision of)
the name of the one-stop business) NO PUBLIC HEARING
licensing program) CONTEMPLATED

TO: All Concerned Persons

1. On September 29, 2014, the Board of Review, Department of Revenue, proposes to amend the above-stated rules.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on September 8, 2014. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY. The board proposes amending the rules in this notice to change the name of the business licensing program from "one-stop business licensing" to "eStop business licenses." The proposed name change reflects that the program now provides an online service for licensees to acquire and maintain certain state licenses. This general statement of reasonable necessity applies to all of the following proposed actions.

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

42.8.101 DEFINITIONS The following definitions apply to this chapter.

(1) and (2) remain the same.

(3) "Master application" means the application as provided in the ~~one-stop licensing~~ eStop business licenses guide provided by the department.

AUTH: 30-16-104, MCA

IMP: 30-16-103, 30-16-303, MCA

42.8.102 ~~ONE-STOP~~ eSTOP BUSINESS LICENSING LICENSES GUIDE

(1) The department will make available to all businesses a guide regarding the process for filing an application under the ~~one-stop~~ eStop program. This guide, as periodically updated by the department, may be obtained from the Department of Revenue web site at revenue.mt.gov; by a written request to P.O. Box 5805, Helena,

Montana 59604-5805; or by calling the department's call center, toll free, at (866) 859-2254 or in Helena at (406) 444-6900.

AUTH: 30-16-104, MCA

IMP: 30-16-103, 30-16-201, 30-16-301, 30-16-302, 30-16-303, MCA

42.8.104 RESPONSIBILITIES (1) through (3) remain the same.

(4) It will be the responsibility of the ~~one-stop business licensing~~ eStop business licenses program to simplify the process for businesses to apply and renew select business licenses administered by multiple state agencies. Agencies will work jointly to create a simple process, thereby creating efficiencies for both businesses and state agencies participating in the program.

AUTH: 30-16-104, MCA

IMP: 30-16-103, 30-16-201, 30-16-301, 30-16-302, 30-16-303, MCA

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than September 19, 2014.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Laurie Logan at the above address no later than 5 p.m., September 19, 2014.

7. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 600 persons based on approximately 6,000 eStop program users.

8. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 5 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

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

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

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

/s/ Laurie Logan
LAURIE LOGAN
Rule Reviewer

/s/ Mike Kadas
MIKE KADAS
Director of Revenue

Certified to the Secretary of State August 11, 2014.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
2.59.111 pertaining to retention of bank)
records)

TO: All Concerned Persons

1. On June 26, 2014, the Department of Administration published MAR Notice No. 2-59-506 pertaining to the proposed amendment of the above-stated rule at page 1305 of the 2014 Montana Administrative Register, Issue Number 12.

2. No comments were received.

3. The department has amended ARM 2.59.111 exactly as proposed.

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

By: /s/ Marjorie L. Thomas
Marjorie L. Thomas, Rule Reviewer
Department of Administration

Certified to the Secretary of State August 11, 2014.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
2.59.104 pertaining to semiannual)
assessment for banks)

TO: All Concerned Persons

1. On June 26, 2014, the Department of Administration published MAR Notice No. 2-59-508 pertaining to the proposed amendment of the above-stated rule at page 1309 of the 2014 Montana Administrative Register, Issue Number 12.

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

3. The department has thoroughly considered the comment received. A summary of the comment received and the department's response is as follows:

COMMENT 1: The Montana Independent Bankers Association (MIB) is a trade association of Montana's independent bankers. The MIB commented that it has strongly supported the same amendments to this administrative rule made in 2012 and 2013 which also multiplied the bank assessments by a factor of .50 as opposed to 1.50. It has urged the department to keep the amendment in place as long as it was economically feasible to do so. The MIB recognizes the division's conclusion that it is economically feasible to continue the reduced assessment. It commented that it supports the current proposed amendment to reduce the bank assessments until January 26, 2015.

RESPONSE 1: The department thanks the MIB for its support of this amendment.

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

By: /s/ Marjorie L. Thomas
Marjorie L. Thomas, Rule Reviewer
Department of Administration

Certified to the Secretary of State August 11, 2014.

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 12.6.2208 and 12.6.2215)
pertaining to exotic species)
classification)

TO: All Concerned Persons

1. On April 24, 2014, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-411 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 703 of the 2014 Montana Administrative Register, Issue Number 8.

2. The commission has amended ARM 12.6.2215 as proposed.

3. The commission has amended ARM 12.6.2208 as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

12.6.2208 LIST OF CONTROLLED SPECIES (1) The following birds are classified as controlled species:

- (a) through (g) remain as proposed.
- ~~(h) Coturnix genus (old world quail);~~
- (i) through (t) remain as proposed but are renumbered (h) through (s).
- (2) and (3) remain as proposed.

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-705, 87-5-707, 87-5-709, 87-5-711, 87-5-712, MCA

4. The commission received a total of 72 comments. The commission has thoroughly considered the comments received and the commission's responses are as follows:

Comment 1: One comment was received in general support of the classifications of exotic species in order to protect our native species.

Response 1: The commission appreciates the participation and support in this rulemaking process.

Comment 2: Two comments expressed concerns that the bobwhite quail would be classified since other quail species are being classified.

Response 2: The bobwhite quail was not proposed for classification and therefore these comments are outside the scope of this rulemaking.

Comment 3: Six comments were received opposing the classification of Gambles and California quail as prohibited species stating that they are considered game birds in others states and coexist with native upland game birds.

Response 3: Although the establishment of populations does occur in neighboring states, any threat of their introduction, either intentionally or otherwise, into the environments in Montana, has the potential for increased disease transmission or displacement of our native game birds.

Comment 4: Forty-four comments opposed the classification of the Coturnix quail as a controlled species stating the Coturnix quail has been domesticated since the 11th century, attempts to introduce Coturnix quail throughout the Midwest have failed, and introduction of new disease is low.

Response 4: The commission is not going to classify the Cotrunix quail as a controlled species based on this information.

Comment 5: Nine comments opposed the classification of the Transcaspian ural sheep and the Argali sheep as prohibited species.

Response 5: The prohibition is a measure to protect Montana's fragile native bighorn sheep resource from any genetic dilution, disease transmission, and to eliminate the costly measures to ensure any containment measures are in place and the very costly measures needed to remove any feral sheep from the landscape.

Comment 6: Eight comments supported the classification of the red-eared slider as a prohibited species. Some comments stated concern for our native turtles.

Response 6: The commission appreciates the participation and support in this rulemaking process. The classification of the red-eared slider as prohibited will prevent them from being released into the wild from owners that no longer wish to keep them as pets.

Comment 7: Two comments opposed the classification of the red-eared slider. One comment stated that the turtle is native to Montana and the other alluded to the fact that salmonella poisoning has been mitigated in pet stores selling the turtle.

Response 7: The red-eared slider is not native to Montana and salmonella is a continuing issue in pet stores that sell turtles.

Comment 8: One comment stated that classifying entire groups or families of exotic species that pose a threat instead of individual exotic species seemed more logical and less time-consuming.

Response 8: The commission rarely classifies entire groups because it is too general and may include animals that do not pose a threat.

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

/s/ Aimee Fausser
Aimee Fausser
Rule Reviewer

Certified to the Secretary of State August 11, 2014.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 12.7.502, 12.7.503, 12.7.504,)
and 12.7.505 pertaining to fish)
importation)

TO: All Concerned Persons

1. On June 12, 2014, the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-414 pertaining to the proposed amendment of the above-stated rules at page 1158 of the 2014 Montana Administrative Register, Issue Number 11.

2. The department has amended ARM 12.7.502, 12.7.503, 12.7.504, and 12.7.505 as proposed.

3. The department has thoroughly considered the comments received, and the department's responses are as follows:

Comment 1: Five comments support the proposed rule. Several comments specifically stated support for the reclassification of pathogens, the tiered approach to classification, and the addition of using surrogate species for pathogen testing benefiting the conservation of native species.

Response 1: The department appreciates the participation and support of this rulemaking process.

Comment 2: One comment suggested replacing the term "fishery" and "fisheries" with "fish populations." The comment stated the term "fishery" implies a fish population that is fished or exists in a hatchery and in order for the rule to cover fish species not fished for, including most non-game native fish species it would be more accurate to use "fish populations."

Response 2: The department adopted the rule with the term "fishery" and "fisheries" in order to remain consistent with the language in statute and the "Montana Statewide Fisheries Management Plan." The department will use the rule in order to protect all state fish populations.

Comment 3: One comment suggested details regarding the review that occurs on import requests be added to the rule.

Response 3: The rule includes a description on what information will be gathered and used to make determinations on importation requests. The specifics on how this review will occur will be documented in department policy.

Comment 4: One comment stated that the requirements for American Fisheries Society certified inspectors should remain in the rule and that the director or any other department employee does not have the background to evaluate whether or not a person is qualified to collect fish health samples and conduct lab testing.

Response 4: The department has authorized the use of non-certified inspectors for several years. The department believes that the Fish Health Coordinator has the background and is more than qualified to make an evaluation on whether or not a person is qualified to collect fish health samples.

Comment 5: One comment questioned whether the rules may have been updated at this time for a single issue, rather than a true need to reclassify pathogens.

Response 5: After review of the rules the department determined that they needed to be updated with current practices and current scientific knowledge. The rules were revised to increase their effectiveness statewide for all fish importations.

/s/ M. Jeff Hagener
M. Jeff Hagener
Director
Department of Fish, Wildlife and Parks

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

Certified to the Secretary of State August 11, 2014.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

Education and Local Government Interim Committee:

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

Environmental Quality Council:

- Department of Environmental Quality;
- Department of Fish, Wildlife, and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions: **Administrative Rules of Montana (ARM)** is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|---------------|---|
| Known Subject | 1. Consult ARM Topical Index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2014. This table includes those rules adopted during the period April 1, 2014, through June 30, 2014, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2014, this table, and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in the 2014 Montana Administrative Register.

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

ADMINISTRATION, Department of, Title 2

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I-VIII	Transitioning Existing Sales Finance Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1633
I-VIII	Transitioning Existing Consumer Loan Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1640
I-VIII	Transitioning Existing Escrow Business Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1647
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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 July 2014 appear. Vacancies scheduled to appear from September 1, 2014 through November 30, 2014, 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 August 1, 2014.

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 JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Funeral Service (Labor and Industry)			
Mr. Michael Thompson Ronan	Governor	Meeks	7/18/2014 7/1/2015
Qualifications (if required): licensed crematory operator			
Board of Hearing Aid Dispensers (Labor and Industry)			
Mr. Edward Eaton Helena	Governor	McDonald	7/25/2014 1/1/2017
Qualifications (if required): Public Member			
Ms. Mary Eve Tolbert St Ignatius	Governor	reappointed	7/25/2014 7/1/2017
Qualifications (if required): Hearing Aid Dispenser			
Board of Pharmacy (Labor and Industry)			
Ms. Starla Blank Helena	Governor	Bertagnolli	7/18/2014 7/1/2019
Qualifications (if required): Licensed Pharmacist			
Ms. Rebecca H Deschamps Missoula	Governor	reappointed	7/25/2014 7/1/2019
Qualifications (if required): Licensed Pharmacist			
Board of Physical Therapy Examiners (Labor and Industry)			
Mr. Brian Miller Kalispell	Governor	reappointed	7/18/2014 7/1/2017
Qualifications (if required): Licensed Physical Therapist			

BOARD AND COUNCIL APPOINTEES FROM JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Private Alternative Adolescent Residential or Outdoor Programs (Labor and Industry)			
Mr. Rick Johnson Kalispell	Governor	reappointed	7/25/2014 7/1/2017
Qualifications (if required): Adolescent Treatment Program Nominee			
Mr. John Santa Marion	Governor	reappointed	7/25/2014 7/1/2017
Qualifications (if required): Adolescent Treatment Program Nominee			
Ms. Pamela Carbonari Kalispell	Governor	Kelly	7/18/2014 7/1/2017
Qualifications (if required): Public Representative			
Ms. Penny James Trout Creek	Governor	reappointed	7/18/2014 7/1/2017
Qualifications (if required): Adolescent Treatment Nominee			
Sen. Trudi Schmidt Great Falls	Governor	Callahan	7/18/2014 7/1/2017
Qualifications (if required): Public Representative			
Board of Public Accountants (Labor and Industry)			
Ms. Kathy VanDyke Whitehall	Governor	reappointed	7/18/2014 7/1/2018
Qualifications (if required): Public Representative			

BOARD AND COUNCIL APPOINTEES FROM JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Research and Commercialization Technology (Commerce)			
Mr. Leonard Smith Billings	Governor	not listed	7/9/2014 7/1/2016
Qualifications (if required): enrolled member of Montana Tribe			
Board of Sanitarians (Labor and Industry)			
Ms. Susan K. Brueggeman Polson	Governor	reappointed	7/25/2014 7/1/2017
Qualifications (if required): Registered Sanitarian			
Mr. Eugene Pizzini Helena	Governor	reappointed	7/25/2014 7/1/2017
Qualifications (if required): Public Representative			
Mayor Gene Townsend Three Forks	Governor	reappointed	7/25/2014 7/1/2017
Qualifications (if required): Public Representative			
Board of Speech-Language Pathologists and Audiologists (Labor and Industry)			
Ms. Lucy Hart-Paulson Missoula	Governor	Fjare	7/9/2014 12/31/2016
Qualifications (if required): Speech Language Pathologist			
Board of Water Well Contractors (Natural Resources and Conservation)			
Mr. Kirk Waren Butte	Director	reappointed	7/1/2014 6/30/2017
Qualifications (if required): Hydrogeologist			

BOARD AND COUNCIL APPOINTEES FROM JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Confederated Salish and Kootenai Tribes' Fish and Wildlife Board (Fish, Wildlife and Parks)			
Ms. Pelah Hoyt	Governor	Conradi	7/9/2014
Missoula			1/1/2017
Qualifications (if required): Public Representative			
Mr. Michael Jamison	Governor	reappointed	7/9/2014
Whitefish			1/1/2017
Qualifications (if required): Public Representative			
Mr. Rodd Richardson	Governor	Brenneman	7/9/2014
St. Ignatius			1/1/2017
Qualifications (if required): Public Representative			
District Court Council			
Ms. Glenda Travitz	elected	reappointed	7/1/2014
			6/30/2017
Qualifications (if required): none specified			
Governor's Postsecondary Scholarship Advisory Council (Education)			
Mr. Davin Wertman	Governor	Bird	7/9/2014
Colstrip			7/1/2017
Qualifications (if required): Experience in financial aid at a postsecondary institution			
Interagency Coordinating Council for State Prevention Programs (Governor's Office)			
Ms. Diane Cashell	Governor	not listed	7/18/2014
Bozeman			7/1/2016
Qualifications (if required): experiences related to the private or nonprofit provision of prevention programs			

BOARD AND COUNCIL APPOINTEES FROM JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Mental Disabilities Board of Visitors (Governor)			
Mr. Jonathan Angel Billings	Governor	Brenneman	7/9/2014 1/1/2015
Qualifications (if required): Consumer or Family of Consumer of Mental Health Services			
Mr. Dan Laughlin Anaconda	Governor	Frank	7/9/2014 1/1/2016
Qualifications (if required): Experience with Treatment and Welfare of children with serious emotional disturbances			
Mr. Graydon Davies Moll Ronan	Governor	reappointed	7/9/2014 1/1/2016
Qualifications (if required): Experience with Treatment and Welfare of adults with developmental disabilities			
Ms. Amy Tipton Wolf Point	Governor	Morton	7/18/2014 7/1/2016
Qualifications (if required): Experience relative to the treatment and welfare of adults with serious mental illnesses			
Montana Elections and Technology Advisory Council (Secretary of State)			
Ms. Sandra Boardman Chinook	Secretary of State	not listed	7/23/2014 7/23/2016
Qualifications (if required): none specified			
Ms. Jeri Custer Forsyth	Secretary of State	not listed	7/23/2014 7/23/2016
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES FROM JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Elections and Technology Advisory Council (Secretary of State) cont.			
Ms. Audrey Dufrechou Helena	Secretary of State	not listed	7/23/2014 7/23/2016
Qualifications (if required): none specified			
Ms. Charlotte Mills Bozeman	Secretary of State	not listed	7/23/2014 7/23/2016
Qualifications (if required): none specified			
Ms. Kathie Newgard Polson	Secretary of State	not listed	7/23/2014 7/23/2016
Qualifications (if required): none specified			
Ms. Bonnie Ramey Boulder	Secretary of State	not listed	7/23/2014 7/23/2016
Qualifications (if required): none specified			
Mr. Bret Rutherford Billings	Secretary of State	not listed	7/23/2014 7/23/2016
Qualifications (if required): none specified			
Ms. Vickie Zeier Missoula	Secretary of State	not listed	7/23/2014 7/23/2016
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES FROM JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Petroleum Tank Release Compensation Board (Environmental Quality)			
Ms. Kate Cassidy Whitefish	Governor	reappointed	7/18/2014 7/1/2017
Qualifications (if required): Background in Environmental Regulation			
Ms. Susan Quigley Shelby	Governor	Sendon	7/25/2014 7/1/2017
Qualifications (if required): Representative of the financial or banking industry with experience in small business			
Private Land/Public Wildlife Council (Fish, Wildlife and Parks)			
Mr. Robert DesRosier Browning	Governor	not listed	7/9/2014 7/31/2015
Qualifications (if required): Tribal Member			
Public Defender Commission (Administration)			
Mr. Kenneth R. Olson Great Falls	Governor	reappointed	7/25/2014 7/1/2017
Qualifications (if required): Attorney Nominated by the Supreme Court			
Ms. Ann Sherwood Pablo	Governor	reappointed	7/25/2014 7/1/2017
Qualifications (if required): Attorney Nominated by the State Bar Association			
State Banking Board (Administration)			
Mr. Hubert Abrams Wibaux	Governor	reappointed	7/9/2014 7/1/2017
Qualifications (if required): State Bank Officer, Small-Sized Bank			

BOARD AND COUNCIL APPOINTEES FROM JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Banking Board (Administration) cont.			
Dr. Maureen J. Fleming Missoula	Governor	reappointed	7/18/2014 7/1/2017
Qualifications (if required): Member of the Public			
Mr. Josh Webber Denton	Governor	reappointed	7/9/2014 7/1/2017
Qualifications (if required): State Bank Officer, Small-Sized Bank			
State Electrical Board (Labor and Industry)			
Mr. Rick Hutchinson Black Eagle	Governor	reappointed	7/18/2014 7/1/2019
Qualifications (if required): Licensed Electrician			
Statewide Independent Living Council (Public Health and Human Services)			
Ms. Monique Casbeer Missoula	Governor	Kase	7/9/2014 12/1/2015
Qualifications (if required): Person with Disability not employed by a State Agency or Independent Living Center			
Mr. Robert Idol Whitefish	Governor	not listed	7/9/2014 12/1/2015
Qualifications (if required): Person with Disability not employed by a State Agency or Independent Living Center			
Traumatic Brain Injury Advisory Council (Public Health and Human Services)			
Mrs. Teresa McKeon Malta	Governor	Hammond	7/9/2014 1/1/2015
Qualifications (if required): Survivor or Family Member of a Survivor of Traumatic Brain Injury			

BOARD AND COUNCIL APPOINTEES FROM JULY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Youth Justice Advisory Council (Justice)			
Mr. Jack Shevalier	Governor	Heffelfinger	7/18/2014
Helena			3/1/2016
Qualifications (if required): Under 24, has been or is under the Jurisdiction of the Juvenile Justice System			

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2014 THROUGH NOVEMBER 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Alternative Health Care Board (Labor and Industry) Ms. Mary Anne Brown, Great Falls Qualifications (if required): midwife</p>	Governor	9/1/2014
<p>Board of Medical Examiners (Labor and Industry) Dr. Anna Earl, Chester Qualifications (if required): doctor of medicine</p>	Governor	9/1/2014
<p>Dr. Nathan Thomas, Missoula Qualifications (if required): podiatrist</p>	Governor	9/1/2014
<p>Dr. Bruce Hayward, McAllister Qualifications (if required): osteopath</p>	Governor	9/1/2014
<p>Board of Outfitters (Labor and Industry) Rep. Carol Gibson, Billings Qualifications (if required): sportsperson</p>	Governor	10/1/2014
<p>Mr. John R. Redman, Sidney Qualifications (if required): public representative</p>	Governor	10/1/2014
<p>Mr. Tim Linehan, Troy Qualifications (if required): sportsperson</p>	Governor	10/1/2014
<p>Mr. Hugo Tureck, Coffee Creek Qualifications (if required): sportsperson</p>	Governor	10/1/2014

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2014 THROUGH NOVEMBER 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Psychologists (Labor and Industry) Dr. George Watson, Bozeman Qualifications (if required): private practice psychologist</p>	Governor	9/1/2014
<p>Dr. Stuart Hall, Missoula Qualifications (if required): psychologist/teacher</p>	Governor	9/1/2014
<p>Building Codes Council (Labor and Industry) Mr. David Broquist, Great Falls Qualifications (if required): professional engineer</p>	Governor	10/1/2014
<p>Ms. Rhonda Whiting, no city listed Qualifications (if required): Department of Public Health & Human Services Director</p>	Governor	10/1/2014
<p>Mr. Mick Wonnacott, Butte Qualifications (if required): building contractor industry representative</p>	Governor	10/1/2014
<p>Mr. Mike Seaman, Kalispell Qualifications (if required): manufactured housing industry representative</p>	Governor	10/1/2014
<p>Mr. Rodney N. Driver, Bigfork Qualifications (if required): elevator mechanic</p>	Governor	10/1/2014
<p>Mr. Allen Lorenz, Helena Qualifications (if required): state fire marshal</p>	Governor	10/1/2014
<p>Mr. Olaf Stimac, Great Falls Qualifications (if required): representative of the Board of Plumbers</p>	Governor	10/1/2014

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2014 THROUGH NOVEMBER 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Building Codes Council (Labor and Industry) cont. Mr. Ronald E. Brothers, Hamilton Qualifications (if required): Public Representative	Governor	10/1/2014
Mr. Ron Bartsch, Montana City Qualifications (if required): home building industry representative	Governor	10/1/2014
Mr. Bill Qualls, East Helena Qualifications (if required): representative of the Board of Electricians	Governor	10/1/2014
Mr. Cody Drew, Circle Qualifications (if required): public member	Governor	10/1/2014
Mr. Jason Fitzgerald, Billings Qualifications (if required): licensed architect	Governor	10/1/2014
Mr. Robert Risk, Bozeman Qualifications (if required): building inspector	Governor	10/1/2014
Equal Pay for Equal Work Task Force (Labor and Industry) Ms. Aimee Grmoljez, Helena Qualifications (if required): Private Business	Governor	11/1/2014
Ms. Jacquie Helt, Missoula Qualifications (if required): Organized Labor	Governor	11/1/2014
Ms. Kimberly Rickard, Helena Qualifications (if required): Organized Labor	Governor	11/1/2014

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2014 THROUGH NOVEMBER 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Equal Pay for Equal Work Task Force (Labor and Industry) cont. Ms. Amy Stiffarm, Polson Qualifications (if required): Tribal Member	Governor	11/1/2014
Mr. Scott Wilson, Bozeman Qualifications (if required): Private Business	Governor	11/1/2014
Ms. Deb Larson, Bozeman Qualifications (if required): Private Business	Governor	11/1/2014
Ms. Jen Euell, Helena Qualifications (if required): Non-Profit Organization	Governor	11/1/2014
President Waded Cruzado, Bozeman Qualifications (if required): Higher Education	Governor	11/1/2014
Mr. Dean Barry Good, Missoula Qualifications (if required): Higher Education	Governor	11/1/2014
Mayor Tom Hanel, Billings Qualifications (if required): Local Government	Governor	11/1/2014
Historic Preservation Review Board (Historical Society) Mr. Jeff Sheldon, Lewistown Qualifications (if required): historic architect	Governor	10/1/2014
Ms. Rosalyn LaPier, Missoula Qualifications (if required): historical researcher	Governor	10/1/2014

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2014 THROUGH NOVEMBER 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Historic Preservation Review Board (Historical Society) cont.		
Mr. Zane Fulbright, Lewistown Qualifications (if required): recognized in the field of historic property administration	Governor	10/1/2014
Montana Noxious Weed Seed Free Forage Advisory Council (Agriculture)		
Ms. Michelle Miller, Billings Qualifications (if required): feed pellets/cube products representative	Director	9/17/2014
Ms. Jennifer Cramer, Hysham Qualifications (if required): eastern county weed district representative	Director	9/17/2014
Mr. Tom Benson, Pablo Qualifications (if required): western county weed district representative	Director	9/17/2014
Mr. Steve Johns, Helena Qualifications (if required): forage producer representative	Director	9/17/2014
Statewide Independent Living Council (Public Health and Human Services)		
Ms. Mary Olson, Missoula Qualifications (if required): representing the Small Business Community	Governor	9/26/2014
Vocational Rehabilitation Council (Public Health and Human Services)		
Ms. Shaunda Albert, Pablo Qualifications (if required): Section 121 representative	Governor	10/1/2014
Mr. Michael DesRosier, Browning Qualifications (if required): representative of the State Workforce Investment Board	Governor	10/1/2014

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2014 THROUGH NOVEMBER 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Vocational Rehabilitation Council (Public Health and Human Services) cont.		
Ms. Lois McElravy, Missoula Qualifications (if required): representative of the disabilities community	Governor	10/1/2014
Mr. Michael Woods, Billings Qualifications (if required): representative of the disabilities community	Governor	10/1/2014
Mr. John Senn, Billings Qualifications (if required): representative of the disabilities community	Governor	10/1/2014
Mr. Rick Heitz, Kalispell Qualifications (if required): representative of the disabilities community	Governor	10/1/2014
Ms. Amy Capolupo, Missoula Qualifications (if required): representative of the disabilities community	Governor	10/1/2014
Ms. Robin Johnson, Great Falls Qualifications (if required): representative of the disabilities community	Governor	10/1/2014
Ms. Prairie Bighorn, Billings Qualifications (if required): business representative	Governor	10/1/2014
Ms. Annaliese Gibbs, Billings Qualifications (if required): vocational rehabilitation counselor	Governor	10/1/2014
Mr. Jim Marks, Helena Qualifications (if required): ex-officio representative of the state Vocational Rehabilitation Division	Governor	10/1/2014

VACANCIES ON BOARDS AND COUNCILS -- SEPTEMBER 1, 2014 THROUGH NOVEMBER 30, 2014

Board/current position holder

Appointed by

Term end

Water and Wastewater Operators' Advisory Council (Environmental Quality)

Mr. Grant Burroughs, Bozeman

Governor

10/16/2014

Qualifications (if required): wastewater plant operator with highest class certificate