

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 23

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

AGRICULTURE, Department of, Title 4

4-14-188 Notice of Public Hearing on Proposed Amendment, Repeal, and Adoption - Growth Through Agriculture Program. 2329-2336

LABOR AND INDUSTRY, Department of, Title 24

24-121-7 (Board of Barbers and Cosmetologists) Notice of Public Hearing on Proposed Amendment - Fees. 2337-2339

24-156-73 (Board of Medical Examiners) Notice of Public Hearing on Proposed Amendment, Repeal, and Adoption - Renewal Dates - Medical Examiners-Licensure - Telemedicine - Podiatry - Nutrition Practice - Acupuncture - Physician Assistant-Scope of Practice - Reciprocity - Board Report Obligations. 2340-2355

LIVESTOCK, Department of, Title 32

32-9-198 Notice of Extension of Comment Period on Proposed Amendment and Adoption - Trichomoniasis - Deputy State Veterinarians. 2356

MILITARY AFFAIRS, Department of, Title 34

34-10 Notice of Proposed Repeal - Education Benefit Program. No Public Hearing Contemplated. 2357-2359

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-491 Notice of Extension of Comment Period on Proposed Adoption - State Matching Fund Grants to Counties for Crisis Intervention - Jail Diversion - Involuntary Precommitment - Short-Term Inpatient Treatment Costs - Contracts for Crisis Beds and Emergency - Court-Ordered Detention Beds for Persons with Mental Illness. 2360-2361

PUBLIC SERVICE REGULATION, Department of, Title 38

38-2-206 Notice of Public Hearing on Proposed Adoption - Minimum Filing Requirements for Utility Applications for Approval of Natural Gas Production or Gathering Resources. 2362-2364

RULE ADOPTION SECTION

AGRICULTURE, Department of, Title 4

4-14-190 Notice of Amendment - Produce. 2365-2366

COMMERCE, Department of, Title 8

8-2-77 Notice of Adoption - Administration of the Quality Schools Grant Program – Planning Grants - Administration of the Quality Schools Grant Program – Emergency Grants. 2367-2370

ENVIRONMENTAL QUALITY, Department of, Title 17

17-294 (Hazardous Waste) Notice of Amendment - Hazardous Waste Fees - Registration of Generators - Information Requests - Annual Reports. 2371-2372

LABOR AND INDUSTRY, Department of, Title 24

24-210-34 (Board of Realty Regulation) Notice of Amendment - Definitions - Licensing - Renewals - Unprofessional Conduct - Continuing Education. 2373-2375

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-486 Notice of Adoption and Amendment - Home and Community-Based Services (HCBS) for Youth with Serious Emotional Disturbance (SED). 2376-2377

37-488 Notice of Amendment - Pharmacy Access Prescription Drug Benefit Program (Big Sky Rx Program). 2378

37-489 Notice of Amendment - Basic Medicaid Services for Able-Bodied Adults. 2379

37-490 Notice of Amendment - Temporary Assistance for Needy Families (TANF). 2380

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 2381-2382

How to Use ARM and MAR. 2383

Accumulative Table. 2384-2393

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF PUBLIC HEARING ON
4.16.102, 4.16.103, 4.16.201, repeal of)	PROPOSED AMENDMENT,
ARM 4.16.301. 4.16.302, 4.16.303,)	REPEAL, AND ADOPTION
4.16.304, 4.16.305, 4.16.401. 4.16.402,)	
4.16.403, 4.16.404, 4.16.405, 4.16.406,)	
4.16.501, 4.16.502, and adoption of New)	
Rules I through IX relating to Growth)	
Through Agriculture Program)	

TO: All Concerned Persons

1. On December 30, 2009, at 10:00 a.m. the Montana Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, 303 N. Roberts at Helena, Montana, to consider the proposed amendment, repeal, and adoption of the above-stated rules.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on December 24, 2009, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; phone: (406) 444-3144; fax: (406) 444-5409; or e-mail: agr@mt.gov.

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

4.16.102 PROCEDURAL RULES (1) The Council ~~hereby~~ adopts and incorporates by reference the Attorney General's Organizational and Procedural Rules ARM 1.3.201, 1.3.202, 1.3.211 through 1.3.224, and 1.3.226 through 1.3.233, effective August 15, 2008; and the Secretary of State's Organizational and Procedural Rules ARM 1.3.101, 1.3.102, 1.3.301, 1.3.302, 1.3.304, 1.3.305, 1.3.307 through 1.3.309, 1.3.311 through 1.3.313, effective August 1, 2008. A copy of these rules may be obtained from the staff of the Montana Agriculture Development Council, ~~Agriculture/Livestock Building~~ Montana Department of Agriculture, 303 N. Roberts, PO Box 200201, Helena, MT 59620-0201. Hearings on applications shall not be considered contested cases.

AUTH: 2-4-201, 90-9-202, MCA
IMP: 2-15-121, 90-9-202, MCA

REASON: Added the mailing address for clarification purposes.

4.16.103 CITIZEN PARTICIPATION RULES (1) The Council hereby adopts and incorporates by reference the citizen participation rules of the Department of Agriculture as set forth in ARM 4.2.201 through 4.2.204. A copy of these rules may be obtained from the staff of the Montana Agriculture Development Council, Agriculture/Livestock Building, Montana Department of Agriculture, 303 N Roberts, PO Box 200201, Helena, Montana 59620-0201.

AUTH: 2-4-201, 90-9-203, MCA
IMP: 2-4-201, 90-9-202, MCA

REASON: Added the mailing address for clarification purposes.

4.16.201 DEFINITIONS (1) In addition to the definitions set forth in 90-9-103, MCA, the following definitions apply for purposes of these rules:
(1)(a) "Act" means the provisions of Title 90, chapter 9, MCA.
(2) "~~Department~~" means the Department of Agriculture.
(3) "~~Geographic area~~" means a county as established in the state of Montana as described in the annotations to the Montana Code Annotated, Vol. 1, "~~Descriptions, county boundaries,~~" and may include more than one (1) county for purposes of this rule.
(4)(b) "Marketing" means those efforts undertaken to expand the ~~saleability~~ salability of the products of Montana agricultural businesses through the development of new products, processes and technologies; the improvement or modification of existing products, processes and technologies; and the development of new opportunities for selling and distributing Montana agricultural products.
(2) "Matching Funds" means both cash or in-kind match. In-kind match is calculated at the actual market price of the services rendered but no more than 25 dollars an hour. All in-kind match(es) must be project specific as opposed to the normal operation of an ongoing business.
(5) "~~Person~~" means an individual, firm, partnership, corporation, association or other entity, authorized to conduct business in the state of Montana.
(6) "~~State~~" means the state of Montana.

AUTH: 90-9-203, MCA
IMP: 90-9-202, MCA

REASON: The definitions were not needed as they are already found in law. Matching funds definition was vague in the law and needed clarification into what was acceptable kinds and quantities of match.

4. The department proposes to repeal the following rules:

4.16.301 APPLICATION PROCEDURES FOR A SEED CAPITAL PROJECT LOAN - SUBMISSION AND USE OF EXECUTIVE SUMMARY

AUTH: 90-9-203, MCA
IMP: 90-9-311, 90-9-312, 90-9-313, 90-9-203, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.302 APPLICATION PROCEDURES FOR A SEED CAPITAL PROJECT LOAN - SUBMISSION OF BUSINESS PLAN

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-312, 90-9-313, 90-9-203, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.303 APPLICATION PROCEDURES FOR A SEED CAPITAL PROJECT LOAN - REVIEW PROCESS

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-312, 90-9-313, 90-9-203, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.304 APPLICATION PROCEDURES FOR A SEED CAPITAL PROJECT LOAN - COUNCIL ACTION

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-312, 90-9-313, 90-9-202, 90-9-203, 90-9-301, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.305 SEED CAPITAL PROJECT LOAN - POST-DISBURSEMENT ACTIVITIES

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-312, 90-9-313, 90-9-316, 90-9-317, 90-9-203, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.401 APPLICATION PROCEDURES FOR A RESEARCH AND DEVELOPMENT PROJECT LOAN - SUBMISSION AND USE OF EXECUTIVE SUMMARY

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-314, 90-9-315, 90-9-203, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.402 APPLICATION PROCEDURES FOR A RESEARCH AND DEVELOPMENT PROJECT LOAN - SUBMISSION OF RESEARCH AND DEVELOPMENT PROPOSAL

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-314, 90-9-315, 90-9-203, 90-9-301, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.403 APPLICATION PROCEDURES FOR A RESEARCH AND DEVELOPMENT PROJECT LOAN - EVALUATION - DUE DILIGENCE

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-314, 90-9-315, 90-9-203, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.404 APPLICATION PROCEDURES FOR A RESEARCH AND DEVELOPMENT PROJECT LOAN - REVIEW PROCESS

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-314, 90-9-315, 90-9-203, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.405 APPLICATION FOR A RESEARCH AND DEVELOPMENT PROJECT LOAN - COUNCIL ACTION

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-314, 90-9-315, 90-9-202, 90-9-203, 90-9-301, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.406 RESEARCH AND DEVELOPMENT PROJECT LOANS - MONITORING REPORTS

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-314, 90-9-315, 90-9-316, 90-9-318, 90-9-203, MCA

REASON: We are creating one unified process to streamline the process for the public.

4.16.501 FAILURE TO COMMERCIALIZE OR PRODUCE IN MONTANA - ALL LOAN PROGRAMS

AUTH: 90-9-203, MCA

IMP: 90-9-311, 90-9-312, 90-9-313, 90-9-314, 90-9-315, 90-9-316, 90-9-317, 90-9-318, 90-9-202, 90-9-203, MCA

REASON: This rule no longer makes sense and the law never seemed to adequately support it.

4.16.502 RIGHTS TO INTELLECTUAL PROPERTY-CONFIDENTIALITY - ALL LOAN PROGRAMS

AUTH: 2-3-103, 90-9-203, MCA

IMP: 90-9-311, 90-9-312, 90-9-313, 90-9-314, 90-9-315, 90-9-316, 90-9-317, 90-9-318, 90-9-202, 90-9-203, MCA

REASON: This rule does not match the state case law or policy on confidentiality and therefore must be repealed.

5. The proposed new rules provide as follows:

NEW RULE I APPLICATION FOR GRANTS AND LOANS (1) In order to apply for a grant or loan, an applicant must:

(a) Complete the application form. If seeking a grant, complete the grant eligibility portion of the application.

(b) Provide a credit report for all parties seeking the loan or grant. If a credit report is not available, an exception to this requirement must be sought.

(c) Provide a current cash flow statement and projected cash flow statements for the business for the next three years at a minimum. Any assumptions used to create this cash flow statement must be included.

(d) Provide a current and projected balance sheet for the business. Any assumptions used to create this balance sheet statement must be included.

(e) Have on file with the Secretary of State all paperwork (if any) required to do business in Montana under the name seeking the grant or loan.

(2) Applicants are encouraged to have a professional business plan.

AUTH: 90-9-203, MCA

IMP: 90-9-203, MCA

REASON: This new rule creates a unified application process. It provides the minimum amount of information that the council needs to make decisions on grants and loans.

NEW RULE II TARGETED AREAS (1) The Council can declare up to two kinds or areas of projects to be targeted areas. These areas must be reviewed at least annually and announced at least 60 days before they become effective.

AUTH: 90-9-203, MCA
IMP: 90-9-203, MCA

REASON: The law allows for additional criteria for a lower-rate loan at the Council's discretion. This allows a formal way for the Council to encourage specific types of projects or development in certain areas of the state. It allows all people applying for a grant or loan to know the Council's particular interests for the coming year.

NEW RULE III HIGH INTEREST RATE (1) The high interest rate will be reviewed and set by the Council at least annually.

AUTH: 90-9-203, MCA
IMP: 90-9-203, MCA

REASON: The law requires the Council to set interest rates.

NEW RULE IV LOW INTEREST RATE (1) The low interest rate will be reviewed and set by the Council at least annually.

AUTH: 90-9-203, MCA
IMP: 90-9-203, MCA

REASON: The law requires the Council to set interest rates.

NEW RULE V LOW INTEREST ELIGIBILITY (1) The Council may allow the low interest rate for projects that fall within a targeted area.

AUTH: 90-9-203, MCA
IMP: 90-9-203, MCA

REASON: The law allows the Council to set up criteria to qualify for a lower interest rate. The Council desires to give the potential applicants a way of knowing where they see areas in need of development.

NEW RULE VI RECONSIDERATION OF APPLICATIONS (1) The Council may meet to reconsider all projects that have not received funding or not received the maximum requested funding if funds permit within the last 120 days of the fiscal year.

AUTH: 90-9-203, MCA
IMP: 90-9-203, MCA

REASON: This allows the Council to make better decisions on projects that were on the edge of being funded at a time when it will have already heard all of the proposals for that year.

NEW RULE VII APPLICATION LIMIT (1) A rejected or partially funded proposal cannot come before the Council a second time within 12 months of its last presentation unless the Council votes to allow it to do so. The Department will screen applications to decide if a proposal is duplicative.

AUTH: 90-9-203, MCA

IMP: 90-9-203, MCA

REASON: Every proposal requires large amounts of time and resources to evaluate and present to the committee. Hearing the same proposal multiple times a year is wasteful of the Council's time and the Department's resources.

NEW RULE VIII REIMBURSEMENT (1) Only costs incurred within 12 months prior to the approval of the loan or grant can be reimbursed and only if specifically allowed by the Council.

AUTH: 90-9-203, MCA

IMP: 90-9-203, MCA

REASON: The law is unclear how far back in time the matching funds and/or the start of the project can occur. This rule makes clear the limit (1 year).

NEW RULE IX FUNDING FOR SALARIES OR OVERHEAD (1) In order to fund a project with salaries or overhead included in the expenses to be paid by the loan or grant, the Council must vote a majority plus one.

AUTH: 90-9-203, MCA

IMP: 90-9-203, MCA

REASON: Salaries and basic overhead are a controversial area and this rule sets a higher threshold on the Council for distributing loans or grants to pay for it.

ECONOMIC IMPACT: None of the rules being added, amended, or repealed have any economic impact different than the laws they implement.

6. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov. Any comments must be received no later than 5:00 p.m. on January 7, 2009.

7. Cort Jensen, Department of Agriculture, has been designated to preside over and conduct this hearing.

8. The Department of Agriculture maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, e-mail, and mailing address of the person 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 Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

9. An electronic copy of this Notice of Proposed Adoption is available through the department's web site at www.agr.mt.gov, under the Administrative Rules section. 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 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.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified on November 23, 2009 by U.S. mail, e-mail, and phone. For previous rule projects involving the same bill, the primary sponsor was given appropriate notice.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong
Ron de Yong, Director

/s/ Cort Jensen
Cort Jensen, Rule Reviewer

Certified to the Secretary of State, November 30 2009.

BEFORE THE BOARD OF BARBERS AND COSMETOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.121.401 fees) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On January 13, 2010, at 9:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Barbers and Cosmetologists (board) no later than 5:00 p.m., on January 8, 2010, to advise us of the nature of the accommodation that you need. Please contact Shane Younger, Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2335; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdcos@mt.gov.

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

<u>24.121.401 FEES</u> (1) Original and renewal license to practice	\$ 45 <u>60</u>
(2) Active <u>Original and renewal active</u> instructor license	60 <u>75</u>
(3) Inactive <u>Original and renewal inactive</u> instructor license	50 <u>65</u>
(4) Original and renewal school license	150 <u>200</u>
(5) remains the same.	
(6) School/course inspection	150 <u>200</u>
(7) Original and renewal salon or shop license	50 <u>65</u>
(8) Salon or shop inspection	100 <u>150</u>
(9) Original and renewal booth rental license	40 <u>55</u>
(10) Out-of-state license by endorsement	45
(11) through (20) remain the same but are renumbered (10) through (19).	

AUTH: 37-1-131, 37-1-134, ~~37-1-141~~, 37-31-203, MCA

IMP: 37-1-134, 37-1-141, 37-31-302, 37-31-304, 37-31-305, 37-31-311, 37-31-312, 37-31-323, MCA

REASON: The board determined it is reasonably necessary to make the proposed fee changes to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with program costs. The department, in providing administrative services to the board, has determined that unless the licensure fees are increased as proposed, the board will have a shortage of operating funds. The board

estimates the proposed fee changes will affect approximately 7,791 applicants and licensees and result in a \$124,320 annual increase in board revenue.

The board is amending (2) and (3) to clarify that the fees are the same for instructors' original and renewal licenses. This clarification was inadvertently missed for instructor licenses when the rule was previously amended. The board is deleting (10) to remove the fee for out-of-state licensure by endorsement. The board is deleting the fee because all applicants have the same application requirements and pay the same fee under (1) regardless of the application method.

Authority cites are being amended to accurately reflect the statutory sources of the board's rule making authority.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdcos@mt.gov, and must be received no later than 5:00 p.m., January 21, 2010.

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

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies 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 Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdcos@mt.gov, or made by completing a request form at any rules hearing held by the agency.

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

8. Anjeanette Lindle, attorney, has been designated to preside over and conduct this hearing.

BOARD OF BARBERS AND
COSMETOLOGISTS
WENDELL PETERSEN, CHAIRPERSON

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 30, 2009

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.101.413 renewal dates,) PROPOSED AMENDMENT,
24.156.601, 24.156.603, 24.156.605,) REPEAL, AND ADOPTION
24.156.615, 24.156.617, 24.156.618,)
and 24.156.628 medical examiners-)
licensure, 24.156.802 through)
24.156.807, 24.156.809, and)
24.156.810 telemedicine,)
24.156.1002, 24.156.1004, and)
24.156.1006 podiatry, 24.156.1301,)
24.156.1302, 24.156.1305,)
24.156.1306, and 24.156.1308)
nutrition practice, 24.156.1402,)
24.156.1411, and 24.156.1413)
acupuncture, 24.156.1618 through)
24.156.1620, 24.156.1622,)
24.156.1623, and 24.156.1626)
physician assistant-scope of practice,)
the repeal of 24.156.610 reciprocity,)
and the adoption of NEW RULE I)
pertaining to board report obligations)

TO: All Concerned Persons

1. On January 5, 2010, at 1:30 p.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment, repeal, 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 Medical Examiners (board) no later than 5:00 p.m., on December 29, 2009, to advise us of the nature of the accommodation that you need. Please contact Jean Branscum, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsmed@mt.gov.

3. The department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(q) remain the same.

(r)	Medical Examiners	Acupuncturist	Biennially	October 31
		Emergency Medical Technician	Biennially	March 31
		Nutritionist	Biennially	October 31
		Physician	Annually Biennially	March 31
		Physician Assistant	Biennially	October 31
		Podiatrist	Biennially	October 31
		Telemedicine Practitioners	Biennially	March 31

(s) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA
IMP: 37-1-101, 37-1-141, MCA

REASON: The department and the board are proposing rule amendments on license renewal frequency within one notice to reduce rulemaking costs and avoid any conflict between department and board rules. The board is shifting physician renewals back to a biennial cycle and the department is amending this rule to align with the board changes.

4. GENERAL STATEMENT OF REASONABLE NECESSITY: As part of a periodic review of its administrative rules, the board is proposing revisions throughout the rules. Some of the proposed amendments are technical in nature, such as renumbering or amending punctuation within certain rules following amendment and to comply with ARM formatting requirements. Other changes include updating terminology for current language and processes, deleting unnecessary or redundant sections, and amending rules and catchphrases for accuracy, grammar, consistency, simplicity, and better organization. The board determined it is reasonably necessary to replace the term "certificate" with "license" throughout the rules to achieve consistency and standardization in rule terminology.

The department and the board are proposing rule amendments regarding licensure renewal frequency within one notice to reduce rulemaking costs and avoid a conflict between department and board rules. In 2007, the board shifted physicians from biennial to annual renewal to accommodate some internal constraints with the 2007 online renewal process. It is reasonably necessary to amend the rules now and change physician renewals back to biennial as the online renewal issues were resolved and for consistency among all board renewals. The former annual fees will be doubled to their biennial amount and will result in no estimated change to board revenue.

The board is removing language from the rules that previously divided board licensees into different renewal periods. In 2006, department rules set forth a biennial renewal period for all board licensees. The board amended its rules to split

licensees into one or two year renewal periods based upon license number to help facilitate the transition from annual to biennial renewals. Because the phase-in period has passed, the board is now amending the rules to delete the transitional renewals and standardize biennial renewals for all board licensees.

The board is amending the rules to delete outdated language regarding licensee requirements for infectious waste management. The board concluded that OSHA does have requirements for the proper packing and labeling of used sharps and is removing the alternative procedure because it is no longer necessary.

The board is amending the rules throughout by deleting internal references to specific sections of the Montana Code Annotated. This deletion is reasonably necessary to comply with ARM formatting rules and reduce the incorrect references in rule that must be changed following amendment of a referenced statute.

Authority and implementation cites are being amended to accurately reflect all statutes implemented through the rules, provide the complete sources of the board's rulemaking authority, and delete citations to repealed statutes. Accordingly, the board has determined that reasonable necessity exists to generally amend certain rules at this time. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

5. The board is proposing to amend the following rules. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

<u>24.156.601 FEE SCHEDULE</u> (1) remains the same.	
(a) <u>Application License application</u> fee reciprocity or endorsement	\$325
(b) Temporary certificate <u>license</u> fee	325
(c) remains the same.	
(d) Renewal fee (active)	<u>400</u>
(i) even numbered licenses renewing for one year	200
(ii) odd numbered licenses renewing for two years	400
(e) Renewal fee (inactive)	<u>200</u>
(i) even numbered licenses renewing for one year	100
(ii) odd numbered licenses renewing for two years	200
(f) Renewal fee (inactive-retired)	<u>65</u>
(i) even numbered licenses renewing for one year	32.50
(ii) odd numbered licenses renewing for two years	65
<u>(g) Limited temporary (resident) fee</u>	<u>100</u>
<u>(h) Limited temporary (resident) extension fee</u>	<u>50</u>
(2) and (3) remain the same.	

AUTH: 37-1-134, ~~37-1-141~~, 37-1-319, 37-3-203, MCA

IMP: 37-1-134, 37-1-141, ~~37-3-203~~, 37-3-304, 37-3-305, 37-3-308, 37-3-309, 37-3-311, 37-3-313, MCA

REASON: The board determined it is reasonably necessary to amend (1)(a) to specify that the license application fee for all physicians is the same. The amendment will correct an inaccuracy since all physician applicants pay the same license application fee, regardless of the method of licensure sought.

The board is also amending this rule to add fees for a limited temporary license and for extending that license to align with the license established in ARM 24.156.617 in this notice. Based on temporary licenses issued in the past two years, the board estimates issuing 20 licenses and two extensions per year with a resultant annual increase to board revenue of \$2,100.

24.156.603 APPLICATIONS FOR LICENSURE (1) Application forms will be provided to an applicant in accordance with the requirement of 37-3-305, MCA, and all of the requirements set forth in 37-3-101 through 37-3-405, MCA. In addition to the foregoing, the board may, in its discretion, require statements of good character and references from all areas where the applicant has previously ~~resided~~ practiced.

(2) The board may make an independent investigation of any applicant to determine whether the applicant has the qualifications necessary to be licensed, and whether the applicant has previously been guilty of any offenses which would constitute unprofessional conduct. The board may require the applicant to release any information or records pertinent to the board's investigation. The board shall require the applicant to furnish information ~~on~~ from all states in which the applicant has previously been licensed. The applicant must furnish references upon request by the board from each medical community in which the applicant has practiced.

(3) remains the same.

AUTH: 37-1-131, 37-3-203, MCA

IMP: 37-1-131, 37-3-101, 37-3-202, 37-3-309, MCA

REASON: The board is amending this rule to clarify the board's intent that references must be from the places of practice and the medical communities in which an applicant has worked, and not the community or place where the applicant has lived. The board determined that this clarification is necessary to address applicant confusion and to ensure the board receives adequate information on the quality of an applicant's past practice.

24.156.605 TEMPORARY CERTIFICATE LICENSE (1) and (2) remain the same.

AUTH: 37-3-203, MCA

IMP: 37-3-301, 37-3-304, 37-3-307, MCA

24.156.615 RENEWALS (1) remains the same.

(2) ~~Beginning with the 2008 renewal cycle, one-half of the All licensees will renew for a period of one year~~ two years.

~~(a) Licensees with an even numbered license will renew for a one-year period.~~

~~(b) Licensees with an odd numbered license will renew for a two-year period.~~

~~(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.~~

(3) A physician actively engaged in the practice of medicine with a ~~permanent~~ an active license shall pay a license renewal fee. If the physician does

not pay the license renewal fee and return the required renewal before the date set by ARM 24.101.413, the physician must pay the late penalty fee specified in ARM 24.101.403 in order to renew the physician's license.

(4) A physician with a ~~permanent~~ an active license who is not actively engaged in the practice of medicine in this state ~~or absent from this state~~ for a period of ~~one or more~~ than two years and who does not choose to practice medicine in Montana, may not renew as an active licensee, but may renew as an inactive licensee and pay the inactive fee listed in ARM 24.156.601.

(5) A physician with a ~~permanent~~ an active license who is not engaged in the practice of medicine and who has retired from practice may not renew ~~this license~~ as an active licensee, but may renew as an inactive-retired licensee and pay the fee listed in ARM 24.156.601. A retired license may not be reactivated. The individual must reapply for a new original license.

(6) remains the same.

AUTH: 37-1-131, 37-1-134, ~~37-1-141~~, 37-3-203, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, 37-3-313, MCA

REASON: The board is amending this rule to clarify the inactive renewal options for actively licensed physicians who are not actively practicing medicine. The board concluded that these amendments will further protect the public by ensuring that physicians with active licenses are actively engaged in the practice of medicine and are not retired or inactive.

24.156.617 ACTIVE AND INACTIVE LICENSE CATEGORIES (1) and (1)(a) remain the same.

(b) inactive license; ~~or~~

(c) inactive-retired license; or

(d) limited temporary (resident).

(2) remains the same.

~~(a) As used in this rule, "renewal period" means:~~

~~(i) for even numbered licenses, the one-year period from the renewal date as listed in ARM 24.101.413 of a given year through the day immediately prior to the renewal date of the following year;~~

~~(ii) for odd numbered licenses, the two-year period from the renewal date as listed in ARM 24.101.413 of a given year through the day immediately prior to the renewal date of the two-year cycle.~~

~~(b) (a) The term "actively practicing medicine" means the exercise of any activity or process identified in 37-3-102(6), MCA.~~

~~(c) Beginning with the 2007 renewal cycle, one half of the licensees will renew for a period of one year. An active license must be renewed as follows:~~

~~(i) licensees with an even numbered license will renew for a one-year period; and~~

~~(ii) licensees with an odd numbered license will renew for a two-year period.~~

(3) An inactive license may be obtained by a physician who is not actively practicing medicine in this state, and does not intend to actively practice medicine in

this state at any time during the current renewal period, but may wish to reactivate in the future next renewal period.

~~(a) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year. An inactive license must be renewed by the renewal date set by the department in ARM 24.101.413 as follows:~~

~~(i) licensees with an even numbered license will renew for a one-year period;~~
and

~~(ii) licensees with an odd numbered license will renew for a two-year period.~~

~~(b) (a) To renew a license on inactive status, a physician must pay a fee prescribed by the board, and complete the renewal prior to the date set by ARM 24.101.413. , and, if the physician has not actively practiced for two years, pass the Special Purpose Exam (SPEX) given by the Federation of State Medical Boards.~~

~~(4) remains the same.~~

~~(a) Beginning with the 2007 renewal cycle, one-half of the licensees will renew for a period of one year. An inactive-retired license must be renewed by the renewal date set in ARM 24.101.413, as follows:~~

~~(i) licensees with an even numbered license will renew for a one-year period;~~
and

~~(ii) licensees with an odd numbered license will renew for a two-year period.~~

~~(b) remains the same.~~

AUTH: 37-1-131, 37-1-141, 37-3-203, 37-1-319, MCA

IMP: 37-1-131, 37-1-141, 37-1-319, 37-3-304, 37-3-305, MCA

REASON: The board determined it is reasonably necessary to amend this rule to add a limited temporary (resident) license as allowed by 37-3-304 and 37-3-305, MCA. The board concluded that this type of limited temporary license will be issued to applicants in rural rotation residencies or other residency programs in Montana when needed for completion of a residency.

The board is amending (3) to require inactive physicians who have not practiced in two years to pass the SPEX exam to renew on inactive status. The board already requires new physician applicants and inactive physicians seeking to reactivate to pass this exam and the board is amending this rule for consistency.

24.156.618 TESTING REQUIREMENT (1) A physician seeking to reactivate a license which has been inactive ~~or inactive-retired~~ for the two or more years preceding the request for reactivation must pass the special purpose examination given by the Federation of State Medical Boards.

AUTH: 37-1-319, 37-3-203, MCA

IMP: 37-1-319, 37-3-101, 37-3-202, MCA

REASON: The board is amending this rule to eliminate a conflict between this rule and ARM 24.156.615 that prohibits the reactivation of a retired license.

24.156.628 MANAGEMENT OF INFECTIOUS WASTES (1) remains the same.

(2) Used sharps are properly packaged and labeled within the meaning of 75-10-1005(1)(a), MCA, when this is done as required by the Occupational Safety and Health Administration (OSHA). ~~If OSHA has no such requirements, the physician shall place them in a heavy, leakproof, puncture-resistant cardboard box and secure the lid with reinforced strapping tape. The container shall bear the words "used medical sharps" on a distinctive label taped or securely glued on the container.~~

AUTH: 37-1-131, 37-3-203, 75-10-1006, MCA
IMP: 37-1-131, 75-10-1006, MCA

24.156.802 DEFINITIONS ~~The following definitions shall apply to these rules:~~ (1) and (2) remain the same.

(3) "Occasional telemedicine case" means the practice of medicine across state lines occurring less than five times in a calendar year or involves fewer than five patients in a calendar year.

(4) remains the same.

(5) "Telemedicine ~~certificate~~ license" means a ~~certificate~~ license issued by the board to practice telemedicine which:

(a) remains the same.

(b) limits the licensee to the practice of telemedicine as defined in these rules and only with respect to the specialty in which the licensee is board-certified or meets the current requirements to take the examination to become board-certified and on which the licensee bases the application for a telemedicine ~~certificate~~ license pursuant to 37-3-345(2), MCA.

(6) "Licensee" means the current holder of a telemedicine ~~certificate~~ license.

AUTH: 37-3-203, MCA
IMP: 37-3-342, MCA

REASON: The board is amending (3) to clarify and differentiate between the occasional telemedicine case, as defined in this telemedicine rule, and an occasional case exemption regarding the practice of medicine at ARM 24.156.611.

24.156.803 LICENSE REQUIREMENT (1) remains the same.

(a) a current telemedicine ~~certificate~~ license issued in accordance with the provisions of 37-3-341 through 37-3-349, MCA, or the rules of the board; or

(b) a full, unrestricted and current license issued under 37-3-301, MCA, ~~or~~ and the rules of the board.

AUTH: 37-1-131, 37-3-203, MCA
IMP: 37-1-131, 37-3-343, MCA

24.156.804 APPLICATION FOR A TELEMEDICINE CERTIFICATE LICENSE (1) An applicant for a telemedicine ~~certificate~~ license shall:

(a) through (d) remain the same.

AUTH: 37-1-131, 37-3-203, MCA
IMP: 37-1-131, 37-3-344, 37-3-345, MCA

24.156.805 FEES (1) and (1)(a) remain the same.

(b) The licensee shall submit a renewal fee of ~~\$150~~ \$300 (on or before the date set by ARM 24.101.413) in the form of a check or money order payable to the board, together with a completed renewal form.

(2) and (3) remain the same.

(4) All licensees will renew for a period of two years.

AUTH: 37-1-134, ~~37-1-141~~, 37-3-203, MCA
IMP: 37-1-134, 37-1-141, 37-3-344, 37-3-345, 37-3-347, MCA

24.156.806 FAILURE TO SUBMIT FEES (1) Failure of an applicant for a telemedicine ~~certificate~~ license to submit the required application fee and properly completed form within one year from receipt of the original application materials, shall be grounds for the board to discontinue processing the application ~~and to deny the application~~.

~~(2) Failure of a licensee to submit the required renewal fee and properly completed renewal form shall be grounds for the board to immediately cancel the telemedicine certificate. After cancellation of a telemedicine certificate for failure to submit the required renewal fee and form, the certificate may not be renewed, but another certificate may be issued on submission of a new application and compliance with 37-3-344 and 37-3-345, MCA.~~

AUTH: 37-3-203, MCA
IMP: 37-3-347, MCA

REASON: The board is amending this rule to clarify that telemedicine applications must be completed within a year. The board determined that this amendment is necessary to ensure that applicants understand that an application remains viable for only one year and that the application fees do have a shelf life.

The board is striking (2) from this rule as incorrect and unnecessary since the telemedicine renewal process is the same as for other board licensees.

24.156.807 ISSUANCE OF A TELEMEDICINE CERTIFICATE LICENSE

(1) The telemedicine ~~certificate~~ license issued by the board shall contain the name of the person to whom it is issued, the address of the person, the date and number of the ~~certificate~~ license and such other information as the board deems necessary. The address contained on the telemedicine ~~certificate~~ license shall be the address of the licensee where all correspondence and renewal forms from the board shall be sent during the two years for which the ~~certificate~~ license has been issued and shall be the address deemed sufficient for purposes of service of process.

AUTH: 37-3-203, MCA
IMP: 37-3-343, MCA

24.156.809 EFFECT OF DENIAL OF DETERMINATION THAT APPLICATION FOR TELEMEDICINE CERTIFICATE LICENSE DOES NOT MEET REQUIREMENTS (1) An applicant, who receives notice that the board has ~~denied~~ determined that an application for a telemedicine certificate license does not meet the licensing requirements because the anticipated practice will exceed the scope of a telemedicine license, may apply for a physician's license to practice medicine in Montana.

AUTH: 37-3-203, MCA

IMP: 37-3-347, MCA

REASON: The board is amending this rule to address inquiries to the board and clarify that a telemedicine applicant may apply for a physician's license if the scope of the applicant's intended practice falls outside the statutory limits of telemedicine.

24.156.810 EFFECT OF TELEMEDICINE CERTIFICATE LICENSE (1) The issuance by the board of a telemedicine ~~certificate~~ license to practice medicine across state lines subjects the licensee to the jurisdiction of the board in all matters set forth in 37-3-341 through 37-3-349, MCA, and the implementing rules and regulations of the board, including all matters related to discipline.

(2) It shall be the affirmative duty of every licensee to report to the board in writing within 15 days of the denial of hospital privileges, restriction or limitation of practice, or the initiation of any disciplinary action against the ~~certificate~~ license to practice medicine by any state or territory in which the licensee is licensed.

(3) The licensee agrees, by accepting the telemedicine ~~certificate~~ license, to produce patient medical records or other materials as requested by the board and to appear before the board or any of its screening panels following receipt of a written notice issued by the board or its authorized representative.

(4) and (5) remain the same.

(6) The licensee shall notify the board of any change in licensee's address as contained on the telemedicine ~~certificate~~ license within 30 days of such change.

(7) The licensee shall cooperate in the investigation of any possible grounds for discipline, including revocation or limitation of the ~~certificate~~ license, by timely compliance with all inquiries and subpoenas issued by the board for evidence or information. The licensee shall provide, within 21 days of receipt of a written request from the board, clear and legible copies of requested documents, including medical records, which may be related to possible grounds for discipline, including revocation or limitation of a telemedicine ~~certificate~~ license. Failure to timely comply with a board inquiry or subpoena or to provide clear and legible copies of requested records shall be grounds for discipline pursuant to the provisions of 37-3-348, MCA.

AUTH: 37-3-203, MCA

IMP: 37-3-342, 37-3-348, 37-3-349, MCA

24.156.1002 FEES (1) remains the same.

~~(a) The renewal fee for a podiatrist, whether actively engaged or not, in the practice of podiatry in the state of Montana shall be:~~

(i) even numbered licenses renewing for one year	\$200
(ii) odd numbered licenses renewing for two years	400
(b) Endorsement or reciprocity	325
<u>(a) license application fee</u>	<u>\$325</u>
<u>(b) active license renewal</u>	<u>400</u>
<u>(c) inactive license renewal</u>	<u>200</u>
(2) remains the same.	

AUTH: 37-1-134, ~~37-1-141~~, 37-6-106, MCA

IMP: 37-1-134, 37-1-141, ~~37-3-203~~, 37-6-302, MCA

REASON: The board is amending this rule to correct an inaccuracy and clarify that the license application fee for podiatrists is the same, regardless of the method of licensure sought.

The board is also amending this rule to specify and reduce an inactive podiatrist renewal fee. The board previously charged a \$400 biennial renewal fee whether a podiatrist was actively engaged in practice or not. The board is amending this rule to align with the inactive renewal fees currently assessed by the board for other licensed physicians. The board estimates that this change will affect approximately five licensees and reduce annual board revenue by \$1,000.

24.156.1004 RENEWALS (1) and (2) remain the same.

~~(3) Beginning with the 2007 renewal cycle, one-half of the All licensees will renew for a period of one year two years.~~

~~(a) Licensees with an even numbered license will renew for a one-year period.~~

~~(b) Licensees with an odd numbered license will renew for a two-year period.~~

~~(c) Following the completion of this phase in to biennial renewal, all licensees will renew for a period of two years.~~

(4) remains the same.

AUTH: 37-1-131, 37-1-134, 37-1-141, 37-6-106, MCA

IMP: 37-1-134, 37-1-141, 37-6-304, MCA

24.156.1006 MANAGEMENT OF INFECTIOUS WASTES (1) remains the same.

~~(2) Used sharps are properly packaged and labeled within the meaning of 75-10-1005(4)(a), MCA, when this is done as required by the Occupational Safety and Health Administration (OSHA). If OSHA has no such requirements, the podiatrist shall place them in a heavy, leakproof, puncture-resistant cardboard box and secure the lid with reinforced strapping tape. The container shall bear the words "used medical sharps" on a distinctive label taped or securely glued on the container.~~

AUTH: 37-1-131, 37-6-106, 75-10-1006, MCA

IMP: 37-1-131, 75-10-1006, MCA

24.156.1301 DEFINITIONS ~~As used in this subchapter, the following definitions apply:~~

(1) remains the same.

~~(2) (5) Further, for the purpose of this subchapter, the definitions contained in subchapter 5 of the rules of the Montana State Board of Medical Examiners apply.~~

~~(2) "Association" means the American Dietetic Association.~~

~~(3) "Commission" means the Commission on Dietetic Registration, accredited by the National Commission for Certifying Agencies.~~

~~(4) "Standards of dietetic practice" means American Dietetic Association Standards of Practice and Standards of Professional Performance for Registered Dietitians.~~

AUTH: 37-1-131, 37-25-201, MCA

IMP: 37-25-201, 37-25-302, MCA

REASON: The board is amending this rule to further define specific terms used in board statutes and rules regarding licensed nutritionists and to specify the source of the standards of dietetic practice for nutritionists' professional conduct.

24.156.1302 FEES (1) and (1)(a) remain the same.

(b) Renewal fee

~~50~~ 100

~~(i) even numbered licenses renewing for one year~~

~~50~~

~~(ii) odd numbered licenses renewing for two years~~

~~100~~

(2) remains the same.

AUTH: 37-1-134, ~~37-1-141~~, 37-25-201, MCA

IMP: 37-1-134, 37-1-141, ~~37-3-203, 37-25-201~~, 37-25-302, MCA

24.156.1305 RENEWALS (1) and (2) remain the same.

~~(3) Beginning with the 2007 renewal cycle, one-half of the All licensees will renew for a period of one year two years.~~

~~(a) Licensees with an even numbered license will renew for a one-year period.~~

~~(b) Licensees with an odd numbered license will renew for a two-year period.~~

~~(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.~~

(4) and (5) remain the same.

AUTH: 37-1-131, 37-1-134, ~~37-1-141~~, 37-25-201, MCA

IMP: 37-1-134, 37-1-141, ~~37-25-307~~, MCA

24.156.1306 PROFESSIONAL CONDUCT AND STANDARDS OF PROFESSIONAL PRACTICE (1) A licensee shall conform to generally-accepted principles and the standards of dietetic practice which are those generally recognized by the profession as appropriate for the situation presented, including

those promulgated or interpreted by or under the association or commission, and other professional or governmental bodies.

(2) and (3) remain the same.

AUTH: 37-1-131, 37-25-201, MCA
IMP: 37-25-201, 37-25-301, MCA

24.156.1308 MANAGEMENT OF INFECTIOUS WASTES (1) remains the same.

(2) Used sharps are properly packaged and labeled within the meaning of 75-10-1005(1)(a), MCA, when this is done as required by the Occupational Safety and Health Administration (OSHA). ~~If OSHA has no such requirements, the nutritionist shall place them in a heavy, leakproof, puncture-resistant cardboard box and secure the lid with reinforced strapping tape. The container shall bear the words "used medical sharps" on a distinctive label taped or securely glued on the container.~~

AUTH: 37-1-131, 37-25-201, 75-10-1006, MCA
IMP: 37-1-131, 75-10-1006, MCA

24.156.1402 FEES (1) remains the same.

(2) The renewal fee to practice acupuncture will be: \$100
~~(a) even numbered licenses renewing for one year \$ 50~~
~~(b) odd numbered licenses renewing for two years 100~~
(3) remains the same.

AUTH: 37-1-134, ~~37-1-141~~, 37-13-201, ~~37-13-301~~, ~~37-13-302~~, ~~37-13-304~~, ~~37-13-305~~, MCA
IMP: 37-1-134, 37-1-141, ~~37-3-203~~, 37-13-302, 37-13-304, ~~37-13-305~~, MCA

24.156.1411 RENEWALS (1) and (2) remain the same.

(3) ~~Beginning with the 2007 renewal cycle, one-half of the All licensees will renew for a period of one year~~ two years.

~~(a) Licensees with an even numbered license will renew for a one-year period.~~

~~(b) Licensees with an odd numbered license will renew for a two-year period.~~

~~(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.~~

(4) remains the same.

AUTH: 37-1-131, ~~37-1-134~~, 37-1-141, 37-13-201, MCA
IMP: 37-1-134, 37-1-141, ~~37-13-306~~, MCA

24.156.1413 MANAGEMENT OF INFECTIOUS WASTES (1) remains the same.

(2) Used sharps are properly packaged and labeled within the meaning of 75-10-1005(1)(a), MCA, when this is done as required by the Occupational Safety and Health Administration (OSHA). ~~If OSHA has no such requirements, the acupuncturist shall place them in a heavy, leakproof, puncture-resistant cardboard box and secure the lid with reinforced strapping tape. The container shall bear the words "used medical sharps" on a distinctive label taped or securely glued on the container.~~

AUTH: 37-1-131, 37-13-201, 75-10-1006, MCA
IMP: 37-1-131, 75-10-1006, MCA

24.156.1618 PHYSICIAN ASSISTANT FEES (1) through (1)(b) remain the same.

(c) active renewal fee (2006)	400 <u>200</u>
(d) active biennial renewal (2007)	200
(e) (d) inactive renewal fee (2006)	50 <u>100</u>
(f) inactive biennial renewal fee (2007)	400
(g) (e) supervision agreement fee	25

(2) and (3) remain the same.

AUTH: 37-1-134, 37-20-202, MCA
IMP: 37-1-134, 37-1-141, 37-20-302, MCA

24.156.1619 RENEWALS (1) and (2) remain the same.

~~(3) Beginning with the 2007 renewal cycle, one-half of the All licensees will renew for a period of one year two years.~~

~~(a) Licensees with an even numbered license will renew for a one-year period.~~

~~(b) Licensees with an odd numbered license will renew for a two-year period.~~

~~(c) Following the completion of this phase-in to biennial renewal, all licensees will renew for a period of two years.~~

(4) remains the same.

AUTH: 37-1-131, 37-1-134, 37-1-141, 37-20-202, MCA
IMP: 37-1-134, 37-1-141, 37-20-302, MCA

24.156.1620 PHYSICIAN ASSISTANT LICENSE RENEWAL (1) Physician assistant licenses are issued on a biennial renewal cycle, ~~beginning January 1, 2007. For the renewal cycle in 2007, licensees whose licenses end in an odd number will renew for two years and pay the full renewal fee. Licensees whose licenses end in an even number will renew for one year and pay half of the renewal fee.~~

(2) through (5) remain the same.

AUTH: 37-1-131, 37-20-202, MCA
IMP: 37-1-141, ~~37-20-202~~, 37-20-203, 37-20-302, 37-20-402, MCA

24.156.1622 SUPERVISION OF PHYSICIAN ASSISTANT AND RURAL ACUTE CARE AND EMERGENCY ROOM SUPERVISION AGREEMENT

(1) through (3) remain the same.

(4) A physician assistant entering into a supervision agreement to practice in a rural acute care facility or in an emergency room setting must provide proof to the board that the physician assistant has at least one year's practice experience in an acute care or emergency room setting. A physician assistant seeking a waiver of this requirement shall provide evidence to the board of experience equivalent to or exceeding one year of experience.

AUTH: 37-1-131, 37-20-202, MCA

IMP: 37-1-131, 37-20-101, 37-20-301, 37-20-403, MCA

REASON: The board is amending this rule to ensure that physician assistants who are either new graduates or who have previously practiced only in a nonacute care practice do not enter into a supervision agreement to practice in a rural acute care practice or an emergency room without prior experience. Because a physician assistant may be the only advanced-level practitioner in such a rural setting and thus practicing alone, the board determined that patient outcomes could be severely impacted if the physician assistant had no prior acute care experience. The amendment is reasonably necessary to ensure the adequate protection of the public in these rural settings.

24.156.1623 CHART REVIEW (1) and (2) remain the same.

~~(3)~~ (5) The supervising physician shall countersign and date all written entries that have been chart reviewed and shall document any amendments, modifications, or guidance provided.

(3) Chart review for a physician assistant entering into a new supervision agreement shall be 100 percent for the first three months of the new agreement.

(4) remains the same.

AUTH: 37-20-202, MCA

IMP: 37-20-101, 37-20-301, MCA

REASON: The board is amending this rule to require that physician assistants practicing under new supervision agreements have verifiable 100 percent chart review. The board concluded that this requirement will ensure that the supervising physician's oversight of the physician assistants charts is comprehensive, extensive, and detailed enough to allow the physician assistant to develop a practice consistent with the supervising physician's practice.

24.156.1626 MANAGEMENT OF INFECTIOUS WASTES (1) remains the same.

(2) Used sharps are properly packaged and labeled within the meaning of 75-10-1005(4)(a), MCA, when this is done as required by the Occupational Safety and Health Administration (OSHA). ~~If OSHA has no such requirements, the physician assistant-certified shall place them in a heavy, leakproof, puncture-~~

~~resistant cardboard box and secure the lid with reinforced strapping tape. The container shall bear the words "used medical sharps" on a distinctive label taped or securely glued on the container.~~

AUTH: 37-1-131, ~~37-20-201~~, 37-20-202, 75-10-1006, MCA
IMP: 37-1-131, 75-10-1006, MCA

6. The rule proposed to be repealed is as follows:

24.156.610 RECIPROCITY found at ARM page 24-15045.

AUTH: 37-3-203, MCA
IMP: 37-3-306, 37-3-307, 37-3-311, MCA

REASON: The board is repealing this rule as there has not been a state examination offered for a number of years and the language is outdated and unnecessary.

7. The proposed new rule provides as follows:

NEW RULE I OBLIGATION TO REPORT TO THE BOARD (1) A nutritionist licensed under this chapter shall report to the board within three months from the date of a final judgment, order, or agency action, all information related to malpractice, misconduct, criminal, or disciplinary action in which the nutritionist is a named party.

(2) A nutritionist with suspected or known impairment shall self-report to the board. In lieu of reporting to the board, the nutritionist may self-report to the board-endorsed professional assistance program.

(3) A nutritionist is obligated to report suspected or known impairment of other health care providers to the appropriate licensing board, agency, or in lieu of the board or agency, may report to the endorsed professional assistance program.

AUTH: 37-1-131, 37-25-201, MCA
IMP: 37-1-131, 37-25-201, MCA

REASON: The board is adopting this new rule to set forth the requirements for licensed nutritionists to report discipline, impairment, and other information to the board. Because licensees normally report such information at renewal and nutritionists renew every two years, the board determined it is reasonable and necessary to adopt this new rule to ensure timely reporting of legal and disciplinary actions by nutritionists.

8. 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 Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail

to dlibsmed@mt.gov, and must be received no later than 5:00 p.m., January 13, 2010.

9. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.medicalboard.mt.gov. 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.

10. 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 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 Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsmed@mt.gov, or made by completing a request form at any rules hearing held by the agency.

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

12. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

BOARD OF MEDICAL EXAMINERS
DR. JAMES UPCHURCH, PHYSICIAN,
CHAIRPERSON

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 30, 2009

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF EXTENSION OF
ARM 32.3.104, 32.3.106, 32.3.212,)	COMMENT PERIOD ON
32.3.501 through 32.3.506, and)	PROPOSED AMENDMENT AND
adoption of NEW RULES I and II)	ADOPTION
pertaining to Trichomoniasis and)	
NEW RULES III through VI pertaining)	
to Deputy State Veterinarians)	

TO: All Concerned Persons

1. On October 29, 2009 the Department of Livestock published MAR Notice No. 32-9-198 pertaining to the proposed amendment and adoption of the above-stated rules at page 1852 of the 2009 Montana Administrative Register, Issue Number 20.

2. The reason for the extension of the comment period is to allow more time for public comment following proposed media announcement calling for comments. The new deadline for written comments is December 24, 2009.

3. The Department of Livestock 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 Livestock no later than 5:00 p.m. on December 18, 2009, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Christian Mackay, Department of Livestock, 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 cmackay@mt.gov to be received no later than 5:00 p.m., December 24, 2009.

/s/ George H. Harris
George H. Harris
Rule Reviewer

/s/ Christian Mackay
Christian Mackay
Executive Officer

Certified to the Secretary of State November 30, 2009.

BEFORE THE DEPARTMENT OF MILITARY AFFAIRS
OF THE STATE OF MONTANA

In the matter of the repeal of ARM) NOTICE OF PROPOSED REPEAL
34.6.101 through 34.6.106 pertaining)
to the Education Benefit Program) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On January 9, 2010, the Department of Military Affairs proposes to repeal the above-stated rules.

2. The Department of Department of Military Affairs 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 Military Affairs no later than 8:00 a.m. on January 4, 2010, to advise us of the nature of the accommodation that you need. Please contact Karen Revious, Department of Military Affairs, P.O. Box 4789, Fort Harrison, Montana, 59636; telephone (406) 324-3330; fax (406) 324-3335; or e-mail kprevious@mt.gov.

3. The department proposes to repeal the following rules:

34.6.101 ELIGIBILITY OF MEMBERS

AUTH: 10-1-121, MCA
IMP: 10-1-121, MCA

34.6.102 ELIGIBILITY CRITERIA

AUTH: 10-1-121, MCA
IMP: 10-1-121, MCA

34.6.103 SUSPENSION OF EDUCATIONAL BENEFITS

AUTH: 10-1-121, MCA
IMP: 10-1-121, MCA

34.6.104 ELIGIBILITY REVIEW AND CONTINUATION PROGRAM

AUTH: 10-1-121, MCA
IMP: 10-1-121, MCA

34.6.105 OBLIGATION TO REPAY EDUCATIONAL BENEFITS

AUTH: 10-1-121, MCA

IMP: 10-1-121, MCA

34.6.106 AVAILABILITY OF THE TUITION FEE WAIVER

AUTH: 10-1-121, MCA

IMP: 10-1-121, MCA

REASON: The authorizing and implementing statute for these rules, 10-1-121, MCA was repealed by the Montana Legislature during its 2005 session, pursuant to passage of SB 445.

In addition to repealing 10-1-121, MCA passage of SB 445 resulted in the amendment of 20-25-421, MCA to provide authority to the Montana Board of Regents for tuition waivers for qualified members of the Montana National Guard. The authority exercised by the Montana Department of Military Affairs over the tuition waivers was thereby removed from the Montana Code, and repeal of the rules is reasonably necessary because they are no longer authorized by the Legislature.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Karen Revious, Department of Military Affairs, P.O. Box 4789, Fort Harrison, Montana, 59636; telephone (406) 324-3335; fax (406) 324-3335; or e-mail kprevious@mt.gov, and must be received no later than 5:00 p.m., January 7, 2010.

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 Karen Revious at the above address no later than 5:00 p.m., January 7, 2010.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons 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 on repeal of the authorizing and implementing statute for the rules.

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.

/s/ John C. Melcher
John C. Melcher
Assistant Attorney General
Rule Reviewer

/s/ John F. Walsh
John F. Walsh
The Adjutant General

Certified to the Secretary of State November 30, 2009.

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

In the matter of the adoption of New)	NOTICE OF EXTENSION OF
Rules I through VI pertaining to state)	COMMENT PERIOD ON
matching fund grants to counties for)	PROPOSED ADOPTION
crisis intervention, jail diversion,)	
involuntary precommitment, short-)	
term inpatient treatment costs, and)	
contracts for crisis beds and)	
emergency and court-ordered)	
detention beds for persons with)	
mental illness)	

TO: All Concerned Persons

1. On October 29, 2009, the Department of Public Health and Human Services published MAR Notice No. 37-491 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 1871 of the 2009 Montana Administrative Register, Issue Number 20.

2. On November 23, 2009, the Department of Public Health and Human Services held a public hearing to consider the proposed adoption of the above-stated rules. A number of interested parties have requested additional time to submit their data, views, and arguments pertaining to the proposed rules. The department has determined that an extension of the comment period is appropriate because of the complexity of the funding formula and the number of communities and counties that could be affected by the proposal. The initial comment period was scheduled to end November 27, 2009 but will be extended to December 17, 2009 for written comments.

3. 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 December 14, 2009, to advise us of the nature of the accommodation that you need. Please contact Rhonda Lesofski, 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.

4. Written data, views, or arguments may be submitted to: Rhonda Lesofski, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., December 17, 2009.

/s/ Russell Cater
Rule Reviewer

/s/ Anna Whiting Sorrell
Anna Whiting Sorrell, Director
Public Health and Human Services

Certified to the Secretary of State November 30, 2009.

BEFORE THE DEPARTMENT OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA

In the matter of the adoption of New)
Rule I pertaining to minimum filing) NOTICE OF PUBLIC HEARING
requirement for utility applications for) ON PROPOSED ADOPTION
approval of natural gas production or)
gathering resources)

TO: All Concerned Persons

1. On January 20, 2010, at 10:00 a.m., the Department of Public Service Regulation (PSC) will hold a public hearing at the Bollinger Room, Commission offices at 1701 Prospect Avenue, Helena, Montana to consider the proposed adoption of the above-stated rule.

2. The PSC 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 PSC no later than 5:00 p.m. on January 13, 2010, to advise us of the nature of the accommodation that you need. Please contact Verna Stewart, PSC Secretary, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601; telephone (406) 444-6170; TTD (406) 444-6199; fax (406) 444-7618; or e-mail vstewart@mt.gov.

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

RULE I MINIMUM FILING REQUIREMENTS FOR UTILITY APPLICATIONS
FOR APPROVAL OF NATURAL GAS PRODUCTION OR GATHERING
RESOURCES

(1) An application by a utility for approval of the acquisition of a natural gas production or gathering resource that is not yet procured must include, as applicable:

(a) a statement explaining fully the type and nature of the acquisition;

(b) testimony and supporting work papers describing the resource and stating the facts (not conclusory statements) that show that acquiring the resource is in the public interest and is consistent with the requirements in 69-3-201 and 69-3-1413 through 69-3-1416, MCA, the utility's most recent natural gas supply procurement plan, if applicable, and these rules;

(c) testimony and supporting work papers demonstrating the utility's analysis of the cost of the acquired production or gathering resource over the short and long term compared to the market cost of natural gas and to all other potential production or gathering resources evaluated by the utility;

(d) a copy of any contract(s) or agreement(s) related to the acquisition, including all appendices and attachments;

(e) testimony providing a thorough explanation and justification for any terms in any contract or ownership agreement for which the utility is requesting approval;

(f) testimony and work papers describing all of the utility's due diligence related to the acquisition;

- (g) a copy of any request for proposals issued in connection with acquisition of the natural gas production or gathering resource;
- (h) testimony and supporting work papers comparing all bids received in connection with any request for proposals;
- (i) testimony and supporting work papers concerning the utility's bid evaluation in connection with any request for proposals, including the ranking of bids and reliance on management judgment;
- (j) a complete description of each aspect and all infrastructure of the production or gathering resource for which the utility requests approval;
- (k) if the application concerns acquisition of an existing natural gas production resource, records demonstrating the production history of the resource;
- (l) an attestation as to the accuracy of the potential gas reserves being considered for acquisition from a licensed petroleum engineer or a licensed petroleum geologist;
- (m) financial statements of the utility demonstrating adequate financial capacity to support the acquisition of the natural gas production or gathering resource, and information concerning any proposed financing arrangements necessary to finance the proposed assets;
- (n) the estimated effect of the transaction on current and future utility rates and charges, including specific tariff rate impacts; and
- (o) other information as the commission may require.

AUTH: 69-3-1415, MCA

IMP: 69-3-1415, MCA, Chapter 127, Laws of Montana, 2009

4. The PSC is proposing the adoption of new Rule I pertaining to minimum filing requirements for utility applications for approval of a utility's acquisition of natural gas production or gathering resources. These rules are necessary to implement House Bill 294 (HB 294), 2009 Laws of Montana, Chapter 127. HB 294 imposes a rulemaking responsibility on the PSC which must be completed by March 31, 2010. The purpose of 69-3-1413, MCA through 69-3-1416, MCA is to establish procedures for a natural gas utility that has restructured to acquire rate-based facilities. The proposed new rule is intended to reflect the requirements of the statutes. A natural gas utility may apply to the PSC for approval of a natural gas production and gathering resource that is not yet procured. The PSC is required to adopt rules that prescribe minimum filing requirements for applications for approval of a utility's acquisition of a natural gas production or gathering resource that is not yet procured.

5. Concerned persons may submit their written data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments (original and ten copies) may also be submitted to Legal Division, Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, MT 59620-2601, and must be received no later than January 20, 2010 at 5:00 p.m., or may be submitted to the PSC through the PSC's web-based comment form at <http://psc.mt.gov> (go to "Contact Us," "Comment on Proceedings Online," then complete and submit the form) no later than January 20, 2010. (PLEASE NOTE:

When filing comments pursuant to this notice please reference "Docket No. L-09.11.1-RUL.")

6. A PSC staff attorney and one or more commissioners will preside over and conduct this hearing.

7. The Montana Consumer Counsel, 616 Helena Avenue, P.O. Box 201703, Helena, Montana 59620-1703, telephone (406) 444-2771, is available and may be contacted to represent consumer interests in this matter.

8. The PSC maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the PSC. Persons who wish to have their name added to the list shall make a written request which includes that name, e-mail address, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: electric utilities, providers, and suppliers; natural gas utilities, providers, and suppliers; telecommunications utilities and carriers; water and sewer utilities; common carrier pipelines; motor carriers; rail carriers; and/or administrative procedures. Such written request may be mailed or delivered to Public Service Commission, Legal Division, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601, faxed to Verna Stewart at (406) 444-7618, e-mailed to vstewart@mt.gov, or may be made by completing a request form at any rules hearing held by the PSC.

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. However, the PSC advises that it will decide any conflict between the official version and the electronic version in favor of the official printed version. 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, apply and have been fulfilled. The primary bill sponsor was contacted on November 25, 2009, by telephone following with notice by regular mail.

/s/ Greg Jergeson
Greg Jergeson, Chairman
Public Service Commission

/s/ Robin A. McHugh
Reviewed by Robin A. McHugh

Certified to the Secretary of State, November 30, 2009.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
4.12.1427, 4.12.1428, and 4.12.1429,)
relating to produce)

TO: All Concerned Persons

1. On October 29, 2009, the Montana Department of Agriculture published MAR Notice No. 4-14-190 relating to the public hearing on the proposed amendment of the above-stated rules at page 1829 of the 2009 Montana Administrative Register, Issue Number 20.

2. On November 23, 2009, the Montana Department of Agriculture held a public hearing on the proposed amendment of the above-stated rules.

3. The department has thoroughly considered the comments received. A summary of the comments received and the department's responses follow. All comments came from the Montana Potato Improvement Association (representing their industry):

COMMENT #1: They support the fee increase.

RESPONSE #1: No response necessary.

COMMENT #2: They think a more reasonable trigger for actual cost recovery is 400cwt/hour instead of 500 cwt/hour as the higher number is too tough on smaller producers.

RESPONSE #2: The department agrees and amended the final rule to reflect the 400 cwt/hour trigger.

COMMENT #3: They requested a change to the freeze tolerance from 1% back to 3%. The 1% is not a realistic measure for seed potatoes.

RESPONSE #3: The department agrees, but it is outside the scope of this rule and will be addressed with a rule change in the near future.

4. The department has amended ARM 4.12.1428 and 4.12.1429 exactly as proposed.

5. The department has amended ARM 4.12.1427 as proposed based on comment #2, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

4.12.1427 INSPECTION FEES (1) through (2)(a) remain as proposed.

- (i) shipping point inspections of seed potatoes when the volume of work is less than ~~400~~ 500 cwt per hour;
- (ii) through (5) remain as proposed.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong
Ron de Yong, Director

/s/ Cort Jensen
Cort Jensen, Rule Reviewer

Certified to the Secretary of State, November 30, 2009.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to the administration)
of the Quality Schools Grant Program)
– Planning Grants, and New Rule II)
pertaining to the administration of the)
Quality Schools Grant Program –)
Emergency Grants)

TO: All Concerned Persons

1. On October 29, 2009, the Department of Commerce published MAR Notice No. 8-2-77 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 1837 of the 2009 Montana Administrative Register, Issue Number 20.

2. The department has adopted the above-stated rules as proposed: New Rule I (8.2.501), New Rule II (8.2.502).

3. The department has thoroughly considered the comments and testimony received, and has revised the guidelines for the Quality Schools Planning and Emergency Grants – incorporated by reference in New Rule I and New Rule II – as set forth below. A summary of the comments received and the department's responses are as follows:

COMMENT #1: Recommendation to add content to the final sentence of the final paragraph of Section II-A to also include "Educational Facility Planners" and also to include "provide a comprehensive facility plan" as an eligible planning grant expense. The request is to have the planning grant support educational facility planning.

RESPONSE #1: The language in this section includes the words "other consultants", which includes "Educational Facility Planners" without having to specify it in the guidelines. Since the objective of the Planning Grant is to support educational facility planning, the language "provide a comprehensive facility plan" has been added to section II-A of the guidelines.

COMMENT #2: Recommendation to add content to the first sentence of the first paragraph in Section II-D to include "comprehensive facility plan" as well as preliminary architectural report.

RESPONSE #2: Comprehensive facility planning encourages schools to be proactive in their efforts to maintain and improve their facilities through effective planning. This proposed language has been added to clarify the use of planning grant funds in section II-D of the guidelines.

COMMENT #3: Question in regard to the \$25,000 grant limit for planning and whether it was per district or per each facility within a district. The commenter also requests to have this limit be on a sliding scale based on some factor such as number of students or square footage of facilities to allow larger schools to come in with larger, more all-inclusive comprehensive plans.

RESPONSE #3: The \$25,000 grant limit for planning is per district not per facility, and section IV of the guidelines has been revised to clarify. The limit for planning grants was derived to provide the highest threshold possible and still allow for broad distribution of the planning grant funds across the state. No change was made to the \$25,000 grant limit.

COMMENT #4: Comment was in regard to timing of awards for PROJECT GRANT and did not address any issues in regard to Planning or Emergency Grant rules.

RESPONSE #4: No response required. Comment will be considered before adoption of project rules.

COMMENT #5: Would schools be able to use planning grant funds to pay for planning expenses associated with performance contracting?

RESPONSE #5: Planning grant funds can be used under the proposed rules to pay for planning expenses associated with performance contracting. Schools would need to comply with all applicable procurement laws, including Section 90-4-1106, MCA, regarding energy performance contracts.

COMMENT #6: There does not seem to be any provisions to waive the bid requirements in state law. It is very difficult to do much of anything without bumping up against and going over the \$50,000 amount.

RESPONSE #6: The \$50,000 limit referred to by the commenter is set forth in Montana statute, Section 20-9-204(3), MCA. Montana law cannot be waived by administrative rules. Schools must comply with all applicable procurement laws when using Quality School Program Grant funds.

COMMENT #7: There were several comments about Section III – Ineligible Activities, specifically in regard to project-related costs prior to date of offer letter. Allowing some retroactive eligibility would allow schools already in the planning process to apply and get some funding to support proactive measure already taken.

RESPONSE #7: The department wants to recognize the proactive efforts of schools that are already in the process of planning projects and will change the eligibility deadline for eligible planning project costs from the initial proposal of "date of the award letter" to October 1, 2009, allowing reimbursement for eligible planning projects costs incurred from October 1, 2009, to the date of the award letter. This change will be reflected in Section II – Eligible Planning Projects; Section III – Ineligible Activities; and Section V – Application Submission.

COMMENT #8: If the intent of these grants is to put people to work, these grants then should take into account the unemployment rates of the applicant, the percentage of students in the school who are on free and reduced hot lunches, prior to awarding the grants. There should be more correlation between the needs, amount of grants awarded, and the necessity of work.

RESPONSE #8: The Quality Schools Grant Program is not a reinvestment or recovery program, and was not created primarily as a job creation program. Rather, the statutory purpose of the Quality Schools Grant Program is to enhance the quality of life and protect the health, safety, and welfare of Montana's public school students; ensure the successful delivery of an educational system that meets the accreditation standards provided for in Section 20-7-111, MCA; extend the life of Montana's existing public school facilities; promote energy conservation and reduction; integrate technology into Montana's education framework to support student educational needs for the 21st century; and promote fiscal responsibility by considering both long-term and short-term needs of the public school district, the local community, and the state. The Quality Schools Program Grant statute allows the department to consider the extent to which the planning project or the planned facility project addresses the educationally relevant factors established in 20-9-309, MCA, in making its final planning grant award decisions, including the needs of students who qualified for services under 29 U.S.C. 794. No changes were made to the planning and emergency grant guidelines.

COMMENT #9: Will the planning applications for planning grants be considered on a first-come, first-serve basis, or rather rated and compared to the other applications? Please specify the date that the applications must be provided to the department to be included as part of this review.

RESPONSE #9: Quality Schools planning grant applications will be accepted on an on-going first-come, first-serve basis beginning December 11, 2009, until the end of the 2011 biennium, or until all appropriated Quality Schools planning grant funds have been awarded, whichever comes first. All planning projects for which a Quality School planning grant has been awarded must be completed within twelve (12) months of the date of Award Letter issued to the applicant from the department. The department staff will review each application for completeness and sufficiency, and consider the overall quality of the application, including measurable project goals, tasks, and activities, a well developed work plan and budget, easily identifiable deliverables, and the extent to which the proposed project meets the statutory priorities and criteria, in making its final planning grant award decisions. The guidelines have been amended to reflect these timelines.

COMMENT #10: On the Planning Grant Application, the line marked "Total Amount of Grant being requested:" is this line for the total of the grant, or for the portion that is being requested based on the 4:1 match? Also on the following line, "Projected Cost:" is this the portion of the school's projected planning cost or the total cost of the planning project?

RESPONSE #10: The line, "Total Amount of Grant being requested," is referring to the total grant amount being requested from the Quality Schools Grant Program, not including any other matching funds. The line, "Projected Cost," is referring to the total, overall cost of the planning project. The Planning Grant application has been modified to clarify the grant amount, the matching funds amount, and the total project cost.

/s/ KELLY A. CASILLAS
KELLY A. CASILLAS
Rule Reviewer

/s/ ANTHONY J. PREITE
ANTHONY J. PREITE
Director
Department of Commerce

Certified to the Secretary of State November 30, 2009.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF AMENDMENT
17.53.111, 17.53.112, 17.53.113,)	
17.53.207, and 17.53.603 pertaining to)	(HAZARDOUS WASTE)
hazardous waste fees, registration of)	
generators, information requests and)	
annual reports)	

TO: All Concerned Persons

1. On October 15, 2009, the Department of Environmental Quality published MAR Notice No. 17-294 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 1717, 2009 Montana Administrative Register, issue number 19.

2. The department has amended ARM 17.53.111, 17.53.112, 17.53.113, 17.53.207, and 17.53.603 exactly as proposed.

3. The following comments were received and appear with the department's responses:

COMMENT NO. 1: The Montana Petroleum Association (MPA) commented that it understands the funding options available to the department, but that there are several fee increase rules being promulgated at this time. MPA expressed concern about the cumulative effects on Montana business of all the fee increases being sought by the agency and stated that many of the increases are significant.

MPA suggested a continued dialogue between the regulated industry and the department in an effort to find ways to mitigate these increases. MPA commented that an effort to reduce the level of increases would be helpful to maintaining a viable and healthy economic base in Montana during these difficult economic times.

RESPONSE: The department acknowledges MPA's concern for the cumulative effect of all fee increases being sought by the agency. Other recently proposed department program fee increases, such as subdivision fees (MAR Notice No. 17-295), water quality permit fees (MAR Notice No. 17-290), and air quality fees (MAR Notice No. 17-286) are outside the scope of this rulemaking, however, the department agrees with the concept of a dialog on the cumulative effect of fees, and is open to further communication on the subject.

State law (75-10-402, MCA) provides that hazardous waste management should be addressed by the state, and authorizes the department to adopt, administer, and enforce a hazardous waste management program pursuant to the federal Resource Conservation and Recovery Act of 1976 (RCRA).

In response to federal funding cuts, the department proposed an increase to the registration and annual registration maintenance fees in ARM 17.53.113 to defray a portion of the state's costs of maintaining the hazardous waste program

(program). EPA funding for the program has decreased 29% from FY 2004 (\$478,783) through FY 2009 (\$339,129).

COMMENT NO. 2: Columbia Falls Aluminum Company, LLC (CFAC) commented that it opposes the changes to the registration and registration maintenance fees in ARM 17.53.113.

CFAC stated that, historically, it has been one of the largest generators of hazardous waste in Montana and that, while aluminum production at the plant is presently curtailed, efforts are underway to negotiate the necessary agreements to restart. CFAC stated that, when that opportunity arises, CFAC will resume production at a level that remains indefinite at this time. However, the impact of implementing the proposed changes to ARM 17.53.113 may be catastrophic. CFAC provided the following estimates of the impact of the proposed fee increases at different levels of production.

No. Potlines	Haz Waste generated	Current Rule Cost (\$)	Proposed Rule Cost (\$)	Percent Increase
1	2000 tons	\$ 2095	\$ 40,200	1800%
2	3000	3095	60,200	1900%
3	4000	4095	80,200	1900%

CFAC stated that the proposed fee increases would hinder, rather than help, bringing the plant back into production and into Montana's economy.

RESPONSE: The rationale for raising the various hazardous waste fees is discussed in the Response to Comment No. 1.

CFAC's hazardous waste disposal costs when the plant is operating are much greater than the current proposed hazardous waste registration maintenance fees. CFAC disposes of most of its hazardous waste at Chemical Waste Management of the Northwest, Inc. in Arlington, Ore. CFAC's average amount of generated hazardous waste for the last five full years has been approximately 3,150 tons. The hazardous waste disposal cost is approximately \$225 per ton. Therefore, currently, an annual registration maintenance fee based on the average of 3,150 tons at the 2009 rate of a \$200 flat fee plus \$5 per ton would be about 2% of the disposal cost, and the fee for 3,150 tons generated at the 2012 rate of a \$200 flat fee plus \$20 per ton would be about 9% of the disposal cost.

Also, the highest proposed registration maintenance fee is \$200 plus \$20 per ton for hazardous waste generated in 2012.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL QUALITY

/s/ David Rusoff

David Rusoff
Rule Reviewer

By: /s/ Richard H. Opper

RICHARD H. OPPER, DIRECTOR

Certified to the Secretary of State, November 30, 2009.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.210.301 definitions,)
24.210.601 licensing, 24.210.635)
renewals, 24.210.641 unprofessional)
conduct, 24.210.667 and 24.210.674)
continuing education)

TO: All Concerned Persons

1. On June 11, 2009, the Board of Realty Regulation (board) published MAR Notice No. 24-210-34 regarding the public hearing on the proposed amendment of the above-stated rules, at page 928 of the 2009 Montana Administrative Register, issue no. 11.

2. On July 2, 2009, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the July 10, 2009, deadline.

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

All comments apply to the entry-only listing rule changes proposed to ARM 24.210.301, 24.210.601, and 24.210.641:

COMMENT 1: A number of commenters opposed the new "entry-only listing" definition. The commenters stated this type of representation is detrimental to consumers, increases the liability of buyer agents, and that the new definition and subsequent regulation would eliminate representation to sellers.

RESPONSE 1: The board concurred with the comments concerning the entry-only listing rules and decided to not amend ARM 24.210.301, 24.210.601, and 24.210.641 at this time. The board referred the matter to the rule review taskforce (taskforce) currently reviewing all board statutes and rules.

COMMENT 2: In opposing the entry-only listing rules, one commenter asked that the rules require the seller agent to disclose this definition in all listing information available on the property, which would allow the buyer agent to negotiate directly with the seller. The commenter stated that proposing the entry-only listing rules in such a piecemeal fashion has resulted in contradictory and confusing provisions that are difficult for the licensee to deal with, and that will likely have a significant impact upon the consuming public. The commenter opined that the proposed rules directly conflict with an earlier legal opinion issued by the board regarding the establishment

of licensee duties. The commenter stated that the rule anticipates information entered into a listing service and inquired what that service might be.

The commenter asked why the agreement to allow a buyer agent to negotiate directly with the seller was required between the seller and the listing agent, instead of between the listing agent and buyer agent. The commenter also questioned whether someone could be found in violation of board statutes for negotiating directly with the seller who has a written outstanding listing agreement and whether a listing agent with an "entry-only" listing had an obligation to ascertain pertinent facts, pass adverse material facts, or update internet information.

RESPONSE 2: The board acknowledged the comments and questions posed and referred the issues to the taskforce.

COMMENT 3: Several commenters stated that the proposed entry-only listing rules are not in the best interest of the consuming public or the real estate industry.

RESPONSE 3: The board decided to examine the issue further and referred the matter to the taskforce.

COMMENT 4: Several commenters stated the proposed entry-only listing rules would harm the professionalism of real estate licensees and increase lawsuits by allowing listing submissions without the attendant liability and responsibility of the licensee. One commenter stated that the only people who want entry-only listings are "cut rate real estate chop houses who don't want the responsibility and want to limit their liability."

RESPONSE 4: The board decided to further study these issues and referred them to the taskforce.

COMMENT 5: One commenter suggested that the proposed amendments to ARM 24.210.601 allowing prospective buyers and their agents to speak directly to a seller appears to permit the seller to waive the statutory prohibition in 37-51-321(1)(l), MCA, against negotiating directly with a represented party.

RESPONSE 5: The board is referring the matter to the taskforce for further study.

COMMENT 6: One commenter suggested that the passage of the rule will result in buyers' agents being accused of taking advantage of sellers and thus would be a step backward for the real estate industry.

RESPONSE 6: The board discussed that, if true, this would be an unintended consequence of the rule changes and referred this matter to the taskforce.

COMMENT 7: A group of commenters suggested that some sellers are unclear on the specifics of the real estate profession, which could result in actions that would be prohibited for an agent. If that happened, there would be no consequences for sellers who deal sharply with buyers and buyer agents.

RESPONSE 7: The board determined they would study this issue further and referred the matter to the taskforce.

COMMENT 8: Some commenters seemed to confuse the Board of Realty Regulation with the Montana Association of Realtors and expressed concern about allowing entry-only listings on organizations established by the MAR (i.e. the MLS).

RESPONSE 8: The board realizes the confusion for some licensees and notes that the comments address issues beyond the board's jurisdiction.

4. The board has amended ARM 24.210.635, 24.210.667, and 24.210.674 exactly as proposed.

5. The board did not amend ARM 24.210.301, 24.210.601, and 24.210.641 as proposed.

BOARD OF REALTY REGULATION
CINDY WILLIS, CHAIRPERSON

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 30, 2009

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

In the matter of the adoption of New Rules I, II, and III and the amendment of ARM 37.87.1303, 37.87.1305, 37.87.1306, 37.87.1307, 37.87.1321, 37.87.1323, 37.87.1325, 37.87.1331, 37.87.1333, 37.87.1335, 37.87.1338, 37.87.1339, 37.87.1340, 37.87.1341, 37.87.1342, and 37.87.1343 pertaining to home and community-based services (HCBS) for youth with serious emotional disturbance (SED)) NOTICE OF ADOPTION AND AMENDMENT

TO: All Concerned Persons

1. On September 24, 2009, the Department of Public Health and Human Services published MAR Notice No. 37-486 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1630 of the 2009 Montana Administrative Register, Issue Number 18.

2. The department has adopted New Rule II (37.87.1345) and Rule III (37.87.1346) as proposed. The department has amended the above-stated rules as proposed.

3. The department has adopted the following rule as proposed with the following changes from the original proposal. Matter to be added is underlined. Matter to be deleted is interlined.

RULE I (37.87.1344) HOME AND COMMUNITY-BASED SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE : FAMILY SUPPORT SPECIALIST SERVICES (1) through (2) remain as proposed.

(3) The provider of family support specialists must:

(a) through (c) remain as proposed.

(d) ~~provide supervision of~~ ensure the family support specialists ~~by a licensed mental health professional (MHP)~~ follow the plan of care developed by the wraparound team; and

(e) through (5) remain as proposed.

AUTH: 53-2-201, 53-6-113, 53-6-402, MCA

IMP: 53-6-402, MCA

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

COMMENT #1: We are concerned about the low rate of reimbursement proposed for wraparound facilitation services. The requirements for training, certification, and scope of work imply a level of skill greater than the department recognizes in the proposed reimbursement rate. Without an adequate rate of reimbursement, the department would have a difficult time developing a pool of qualified providers to deliver this waiver service.

RESPONSE #1: The department concurs with the comments about wraparound facilitation reimbursement and has adopted a rate of \$14.50 for a 15 minute unit. The rate coincides with the rate for family support specialist services and will avoid disparity within an agency providing both family support specialist services and wraparound facilitation services.

COMMENT #2: Not all agencies hiring family support specialists have licensed mental health professionals on staff. Under the proposed rules, the agency would have to find a licensed mental health professional to supervise the family support specialist. Even if such a professional could be found, supervision might be difficult because the family support specialist is not an employee of the mental health professional. This may present issues with labor laws. We recommend changing Rule I (37.87.1344) to eliminate the mental health professional requirement.

RESPONSE #2: The department agrees and has changed Rule I (37.87.1344) accordingly.

5. The department intends to apply these rules retroactively to August 1, 2009. A retroactive application of the proposed rules does not result in a negative impact on providers or recipients.

/s/ John Koch
Rule Reviewer

/s/ Anna Whiting Sorrell
Anna Whiting Sorrell, Director
Public Health and Human Services

Certified to the Secretary of State November 30, 2009.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.81.104, 37.81.304,)
37.81.310, and 37.81.318 pertaining)
to Pharmacy Access Prescription)
Drug Benefit Program (Big Sky Rx)
Program))

TO: All Concerned Persons

1. On October 15, 2009, the Department of Public Health and Human Services published MAR Notice No. 37-488 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1769 of the 2009 Montana Administrative Register, Issue Number 19.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.
4. The department intends to apply these rules effective January 1, 2010.

/s/ John Koch
Rule Reviewer

/s/ Anna Whiting Sorrell
Anna Whiting Sorrell, Director
Public Health and Human Services

Certified to the Secretary of State November 30, 2009.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.85.206 pertaining to basic)
Medicaid services for able-bodied)
adults)

TO: All Concerned Persons

1. On October 15, 2009, the Department of Public Health and Human Services published MAR Notice No. 37-489 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1773 of the 2009 Montana Administrative Register, Issue Number 19.

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

3. No comments or testimony were received.

4. The department intends to apply this rule effective January 1, 2010.

/s/ John Koch
Rule Reviewer

/s/ Anna Whiting Sorrell
Anna Whiting Sorrell, Director
Public Health and Human Services

Certified to the Secretary of State November 30, 2009.

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.78.102 and 37.78.420)
pertaining to Temporary Assistance)
for Needy Families (TANF))

TO: All Concerned Persons

1. On October 29, 2009, the Department of Public Health and Human Services published MAR Notice No. 37-490 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1863 of the 2009 Montana Administrative Register, Issue Number 20.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.
4. The department intends to apply these rules effective January 1, 2010.

/s/ Frank Clinch
Rule Reviewer

/s/ Anna Whiting Sorrell
Anna Whiting Sorrell, Director
Public Health and Human Services

Certified to the Secretary of State November 30, 2009.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

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

Economic Affairs Interim Committee:

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

Education and Local Government Interim Committee:

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

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

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 2009. This table includes those rules adopted during the period July 1, 2009, through September 30, 2009, and any proposed rule action that was pending during the past six-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 2009, 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 2009 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.

GENERAL PROVISIONS, Title 1

- 1.2.104 and other rules - Administrative Rules, p. 1465
- 1.2.419 Scheduled Dates for the 2010 Montana Administrative Register, p. 1586, 2031

ADMINISTRATION, Department of, Title 2

- 2.2.101 Department of Administration's Procedural Rules, p. 1180, 1777
- 2.59.302 and other rules - Schedule of Charges - Change of Location - Application Procedure for Approval to Merge Affiliated Banks - Satellite Terminals, p. 2067
- 2.59.308 and other rule - Examination Fees - Dollar Amounts To Which Consumer Loan Rates Are To Be Applied, p. 1826
- 2.59.1603 and other rules - State, County, and Municipal Issues, Corporate Bonds - Other Approved Investments, p. 2182
- 2.59.1701 and other rules, Licensing and Regulation of Mortgage Brokers - Mortgage Lenders - Mortgage Loan Originators - License Renewals for Mortgage Lenders as of July 1, 2009 - New Applicants for a Mortgage Loan Originator License – Temporary Licenses - New Applicants for a Mortgage Broker or Mortgage Lender License – Temporary Licenses - Net Worth Requirement for Mortgage Brokers - Unacceptable Assets - Proof of Net Worth - Records to be Maintained by Mortgage Lenders - Financial Responsibility, p. 1292
- 2.59.1711 Continuing Education, p. 159, 735

- 2.59.1801 and other rule - Residential Mortgage Lenders, p. 2064
- 2.60.203 and other rules - Application Procedure for a Certificate of Authorization for a State-Chartered Bank - Procedural Rules for Discovery and Hearing - Capital Adequacy of Proposed New Banks - Foreign Capital Depositories, p. 2186

(Public Employees' Retirement Board)

- 2.43.3502 and other rule - (Public Employees' Retirement Board) Investment Policy Statement for the Defined Contribution Retirement Plan - Investment Policy Statement for the 457 Deferred Compensation Plan, p. 394, 1010

(Teachers' Retirement Board)

- I Determination of Incentives and Bonuses as Part of a Series of Annual Payments and Included in Earned Compensation, p. 1183, 1778

(State Compensation Insurance Fund)

- 2.55.320 and other rule - Classifications of Employments - Retrospective Rating Plans, p. 2179

(Board of County Printing)

- 2.67.201 and other rules - Board of County Printing, p. 1187, 1782

AGRICULTURE, Department of, Title 4

- 4.5.202 and other rules - Noxious Weeds, p. 2071
- 4.9.401 Raising the Wheat and Barley Assessment, p. 2574, 264
- 4.12.1320 and other rules - Quarantines - Pest Management Standards, p. 118, 343
- 4.12.1427 and other rules - Produce, p. 1829
- 4.12.3402 Raising the Seed Laboratory Analysis Fees, p. 1319, 1783

STATE AUDITOR, Title 6

- 6.6.504 and other rules - Medicare Supplements, p. 506, 1107
- 6.6.2801 and other rules - Surplus Lines Insurance Transactions, p. 1191, 2005, 2145

COMMERCE, Department of, Title 8

- I Administration of the Quality Schools Grant Program, p. 2193
- I Administration of the 2009-2010 Federal Community Development Block Grant (CDBG) Program, p. 2408, 410
- I & II Administration of the Quality Schools Grant Program - Planning Grants - Emergency Grants, p. 1837
- 8.94.3725 Administration of the 2009-2010 Federal Community Development Block Grant (CDBG) Program, p. 1605
- 8.119.101 Tourism Advisory Council, p. 398, 862

8.119.101 Tourism Advisory Council, p. 1066, 1590

(Montana Coal Board)

8.101.201 and other rules - Policies of the Montana Coal Board - Applications for Montana Coal Board Grant Assistance, p. 2220, 344

(Board of Housing)

8.111.602 Low Income Housing Tax Credit Program, p. 952, 1589

EDUCATION, Department of, Title 10

(Board of Public Education)

I Sign Language Interpreters, p. 1205, 1659

10.54.3610 and other rules - Communication Arts Content Standards and Performance Descriptors, p. 2196

10.54.4010 and other rules - Math Content Standards and Performance Descriptors, p. 767, 1201, 1657

10.57.102 and other rules - Educator Licensure, p. 30, 345

10.57.102 and other rules - Educator Licensure, p. 1712, 2244

10.57.412 and other rule - Mentor Teachers, p. 789, 1259

FISH, WILDLIFE AND PARKS, Department of, Title 12

(Fish, Wildlife and Parks Commission)

12.6.1101 and other rules - Falconry Regulation in Montana, p. 792, 1470

12.11.2204 No Wake Zone on Echo Lake, p. 53, 863

12.11.3215 Recreational Water Use on Holter Lake, p. 2240

12.11.6601 and other rules - Emergency Closures of Department Lands and Public Waters, p. 1208, 2146

12.14.101 and other rules - Commercial Use Rules in Montana, p. 1436, 2245

ENVIRONMENTAL QUALITY, Department of, Title 17

I-V Underground Storage Tanks - Underground Storage Tank Operator Training, p. 1529, 2250

17.36.802 and other rule - Fee Schedules - Changes in Subdivision, p. 1725

17.50.403 and other rules - Solid Waste - Licensing and Operation of Solid Waste Landfill Facilities, p. 164, 1326

17.53.111 and other rules - Hazardous Waste Fees - Registration of Generators - Information Requests - Annual Reports, p. 1717

17.55.102 and other rules - Definitions - Facility Listing - Facility Ranking - Delisting a Facility on the CECRA Priority List - Incorporation by Reference - Proper and Expedious Notice - Third-Party Remedial Actions at Order Sites - Additional Remedial Actions Not Precluded - Orphan Share Reimbursement - Purpose, p. 1730, 2077

17.56.101 and other rules - Underground Storage Tank Operation Requirements - Leak Detection - License Renewal Training, p. 1450, 2247

(Board of Environmental Review)

- 17.4.101 and the Department - Model Rules, p. 129, 1011
- 17.8.102 Air Quality - Incorporation by Reference, p. 1, 411
- 17.8.102 and other rules - Incorporation by Reference of Current Federal Regulations and Other Materials into Air Quality Rules, p. 954, 1784
- 17.8.501 and other rules - Air Quality - Definitions - Permit Application Fees - Operation Fees - Open Burning Fees, p. 958, 1785
- 17.30.201 Water Quality - Permit Fees, p. 1335
- 17.30.617 and other rule - Water Quality - Outstanding Resource Water Designation for the Gallatin River, p. 2294, 328, 1398, 438, 1953, 162, 1324
- 17.30.702 and other rules - and the Department - Water Quality - Subdivisions/On-Site Subsurface Wastewater Treatment - Public Water and Sewage Systems Requirements - CECRA Remediation - Department Circular DEQ-4 - Gray Water Reuse, p. 968, 1786
- 17.38.101 and other rules - Public Water and Sewage System Requirements - Plans for Public Water or Wastewater Systems - Treatment Requirements - Control Tests - Microbial Treatment - Sanitary Surveys - Chemical Treatment of Water - Ground Water - Initial Distribution System Evaluations - Stage 2 Disinfection Byproducts Requirements - Enhanced Treatment for Cryptosporidium - Licenses-Private Water Supplies - Disposal of Excrement - Barnyards and Stockpens, p. 1353, 1794
- 17.40.318 and other rule - and the Department - Water Treatment Systems and Operators - Public Water and Sewage System Requirements - State Revolving Fund and Public Water and Sewer Projects Eligible for Categorical Exclusion From MEPA Review, p. 55, 412
- 17.50.403 and other rule - Solid Waste - Definitions - Annual Operating License Requirements, p. 964
- 17.53.105 and other rules - Hazardous Waste - Incorporation by Reference - Standardized Permits, p. 1444

CORRECTIONS, Department of, Title 20

- 20.7.507 Siting, Establishment, and Expansion of Prerelease Centers, p. 1363, 1798

JUSTICE, Department of, Title 23

- 23.12.602 and other rules - Uniform Fire Code - Fire Safety - Fireworks, p. 1535, 1608
- 23.12.1201 and other rules - Attendance at MLEA - Performance Criteria at MLEA, p. 401, 867
- 23.12.1411 Student Academic Performance Requirements at Law Enforcement Academy, p. 1548, 2018
- 23.19.1001 Consumer Debt Management License Fee, p. 810, 1166

(Gambling Control Division)

- 23.16.101 and other rules - Definitions - Transfer of Interest Among Licensees - Transfer of Interest to a New Owner - Loans and Other Forms of Financing - Change of Liquor License Type - Change of Location - Approved Variations of Keno - Quarterly Reporting Requirements - Reporting Frequency for Approved Automated Accounting Systems - Exceptions - General Requirements of Operators - Manufacturers - Manufacturers of Illegal Devices - Distributors - Route Operators of Video Gambling Machines or Producers of Associated Equipment - Live Keno and Bingo Record Keeping, p. 2078
- 23.16.202 and other rules - Gambling Business License - Approval of Variations of Standard Bingo Cards - Credit Play - Card Dealer Licenses - Card Room Contractors License Requirements - Sports Tab Game Seller License - Distributor Licenses - Route Operator Licenses - Manufacturer Licenses - Accounting System Vendor Licenses - Manufacturer of Illegal Gambling Devices License - Raffle Record Keeping Requirements, p. 912, 1260

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order following the department rules.

- I Licensee Lookup Database, p. 61, 1167
- I-XIII Workers' Compensation Claims Examiner Certification, p. 1213, 2019
- 24.17.127 Prevailing Wage Rates for Public Works Projects - Building Construction Services, Heavy Construction Services, Highway Construction Services, and Nonconstruction Services, p. 249, 736, 868
- 24.17.127 Prevailing Wage Rates for Public Works Projects - Building Construction Services - Heavy Construction Services - Highway Construction Services - Nonconstruction Services, p. 1840
- 24.29.1533 and other rule - Workers' Compensation Medical Fee Schedules, p. 2086
- 24.301.161 Model Energy Code, p. 1844

(Alternative Health Care Board)

- 24.111.401 and other rule - Fees - Licenses, p. 1550, 2257
- 24.111.2102 and other rule - Continuing Education, p. 2577, 265

(Board of Architects and Landscape Architects)

- 24.114.101 and other rules - Board Organization - Procedural Rules - Definitions - Fees - Architect Seal - Architect Business Entity Practice - Emergency Use - Licensure By Examination - Unprofessional Conduct - Screening Panel - Architect Partnerships - Landscape Architect Licensure, p. 2545, 413

24.114.401 and other rules - Fee Schedule - Applications - Education and Experience - Examinations, p. 1457, 2151

(Board of Chiropractors)

24.126.301 and other rules - Definitions - Applications - Display of License - Continuing Education - Unprofessional Conduct, p. 923, 2152

(Board of Dentistry)

24.138.402 and other rules - Fee Schedule - Dental Auxiliaries - Requirements and Restrictions - Continuing Education - Restricted Volunteer Licensure, p. 1743

24.138.508 and other rules - Dental Anesthetic Certification - Dental Permits - Exemptions - Continuing Education, p. 1068, 2091

(State Electrical Board)

24.141.301 and other rules - Definitions - Apprentice Registration - Fee Schedule - Electrician Applications - Examinations - Licensure - Contractor Licensing - Continuing Education - Unprofessional Conduct - Complaint Procedure - Electrician Qualifications, p. 1365, 1665

(Board of Medical Examiners)

I Medical Direction, p. 2238, 416

24.156.616 and other rules - Registry - Licenses - Testing Requirements - Registration, p. 1610

24.156.2719 Expired License, p. 2235, 415

(Board of Nursing)

24.159.1006 and other rules - Cosmetic Procedure Standards - Nonroutine Applications, p. 252, 1404

(Board of Nursing Home Administrators)

24.162.420 and other rules - Fee Schedule - Documentation for Licensure - Temporary Permit - Reciprocity Licenses - Continuing Education, p. 1072, 2024

(Board of Outfitters)

24.171.401 and other rules - Fees - Qualifications, p. 256, 1406

24.171.602 and other rules - Guide or Professional Guide License - Emergency Guide License - Unprofessional Conduct - Guide to Hunter Ratio, p. 1616

(Board of Pharmacy)

24.174.301 and other rules - Definitions - Administration of Vaccines - Prescriptions - Transmission of Prescriptions - Objectives - Internship - Registration Requirements - Pharmacy Technician - Record Keeping - Registration Conditions - Emergency Drug Kit - Renewal - Unprofessional Conduct - Agent of Records, p. 1079

(Board of Physical Therapy Examiners)

24.177.405 and other rules - Physical Therapy Aides - Temporary Licenses - Out of State Applicants - Foreign Trained Applicants - Topical Medication Protocols - Continuing Education - Physical Therapists, p. 586, 2153

(Board of Private Alternative Adolescent Residential or Outdoor Programs)

24.181.301 and other rules - Definitions - Fees - Private Alternative Adolescent Residential and Outdoor Programs, p. 303, 1478

24.181.401 and other rules - Registration Fee Schedule - Licensing Fee Schedule - Renewals - Private Alternative Adolescent Residential and Outdoor Programs, p. 339, 870, 1799

(Board of Professional Engineers and Professional Land Surveyors)

24.183.408 and other rules - Authorization - Applications - Examination Procedures - Continuing Education - Screening Panel, p. 1554

(Board of Radiologic Technologists)

24.204.501 and other rules - Permit Application Types - Practice Limitations - Course Requirements - Permit Examinations - Code of Ethics - Unprofessional Conduct, p. 1089

(Board of Real Estate Appraisers)

24.207.401 and other rule - Fees and USPAP, p. 1223, 1800

(Board of Realty Regulation)

24.101.413 and other rules - Renewal Dates - Brokers and Salespersons - Property Management - Timeshare Licensure and Registration, p. 1748

24.210.301 and other rules - Definitions - Licensing - Renewals - Unprofessional Conduct - Continuing Education, p. 928

24.210.641 Unprofessional Conduct, p. 2580, 748

(Board of Sanitarians)

24.216.402 and other rule - Fees - Sanitarian in Training, p. 75, 455

(Board of Social Work Examiners and Professional Counselors)

24.219.301 and other rules - Definitions - Fees - Application - Licensure - Status Conversion - Application - Continuing Education - Unprofessional Conduct - Social Work Examiners and Professional Counselors, p. 2583, 812, 2158

(Board of Veterinary Medicine)

24.225.401 and other rules - Fee Schedule - Veterinarian Licensure - Embryo Transfer - Euthanasia Technicians and Agencies - Continuing Education Providers, p. 1561

LIVESTOCK, Department of, Title 32

- 32.3.104 and other rules - Trichomoniasis - Deputy State Veterinarians, p. 1852, 2092
- 32.6.712 Food Safety and Inspection Service (Meat, Poultry), p. 1096, 1591
- 32.8.101 and other rule - Grade A Pasteurized Milk - Time From Processing That Fluid Milk May Be Sold for Public Consumption, p. 2095
- 32.23.101 and other rules - Purchase and Resale of Milk, p. 1762, 2258
- 32.28.202 and other rule - Uncoupling Horses for Wagering Purposes, p. 1098, 1592

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- 36.10.129 and other rule - Wildland-Urban Interface - Guidelines for Development Within the Wildland-Urban Interface, p. 1101, 1667
- 36.12.1901 and other rule - Filing a Change Application - Change Application - Historic Use, p. 814, 2259

(Board of Oil and Gas Conservation)

- 36.22.302 and other rules - Oil and Gas Provisions and Production, p. 1619, 2165

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I-V State Matching Fund Grants to Counties for Crisis Intervention - Jail Diversion - Involuntary Precommitment - Short-Term Inpatient Treatment Costs for Individuals with Mental Illness, p. 1624, 1807
- I-VI Medical Marijuana Program, p. 2027, 322
- I-VI State Matching Fund Grants to Counties for Crisis Intervention - Jail Diversion - Involuntary Precommitment - Short-Term Inpatient Treatment Costs - Contracts for Crisis Beds - Emergency and Court-Ordered Detention Beds for Persons With Mental Illness, p. 1871
- I-IX Mental Health Center Services for Youth With Serious Emotional Disturbance (SED), p. 2603, 272
- I-XXVII Behavioral Health Inpatient Facilities (BHIF), p. 844, 1801
- 37.5.117 and other rules - Swimming Pools, Spas, and Other Water Features, p. 604, 1104
- 37.8.126 Grandparents and Relative Caregivers Access to Birth Records, p. 1007, 1671
- 37.30.405 Vocational Rehabilitation Program Payment for Services, p. 407, 941
- 37.36.101 and other rules - The Montana Telecommunications Access Program (MTAP), p. 1226, 1672
- 37.40.307 and other rule - Medicaid Nursing Facility Reimbursement, p. 997, 1411
- 37.40.405 and other rule - Medicaid Reimbursement for Swing-Bed Hospital Services, p. 1642, 2166
- 37.52.210 Adjustment of Subsidy Payment, p. 132, 417

- 37.78.102 and other rules - Temporary Assistance for Needy Families (TANF), p. 596, 1020
- 37.78.102 and other rule - Temporary Assistance for Needy Families (TANF), p. 1863
- 37.79.101 and other rules - Implementing the Healthy Montana Kids Plan Act, p. 1235, 1673
- 37.81.104 and other rules - Pharmacy Access Prescription Drug Benefit Program (Big Sky Rx Program), p. 1769
- 37.81.1002 and other rules - Montana PharmAssist Program and Medicaid Reimbursement Rates for Some Services with Rates Not Set Under Resource Based Relative Value Scale (RBRVS), p. 1570, 2029
- 37.82.101 and other rule - Medicaid Eligibility, p. 2114
- 37.85.206 Basic Medicaid Services for Able-Bodied Adults, p. 1773
- 37.85.212 and other rule, Resource Based Relative Value Scale (RBRVS) Medicaid Provider Rates and Mid-Level Practitioner's Reimbursement for Services to Medicaid Clients Under Age 21, p. 436, 1012
- 37.86.105 and other rules - Medicaid Physician Administered Drug Reimbursement - Pharmacy Outpatient Drug Reimbursement, p. 2120
- 37.86.705 and other rules - Medicaid Reimbursement for Audiology Services - Hearing Aids - Durable Medical Equipment (DME), p. 2099
- 37.86.1001 and other rules, Medicaid Dental Service Providers' Reimbursement Rates, p. 444, 1017
- 37.86.3501 and other rules - Case Management Services for Adults with Severe Disabling Mental Illness, p. 1378
- 37.86.4701 and other rules - Medicaid Covered Organ and Tissue Transplantation, p. 1390, 1806
- 37.87.1217 and other rules - Medicaid Reimbursement for Psychiatric Residential Treatment Facility (PRTF) Services, p. 2106
- 37.87.1223 Psychiatric Residential Treatment Facility (PRTF) Services - Reimbursement, p. 261, 418
- 37.87.1303 and other rules - Home and Community-Based Services (HCBS) for Youth with Serious Emotional Disturbance (SED), p. 1630
- 37.88.101 and other rules - Medicaid Mental Health Center Services for Adults with Severe Disabling Mental Illness, p. 985, 1489
- 37.106.2301 and other rule - Hospice Facilities, p. 2255, 351
- 37.106.2401 and other rules - Home Infusion Therapy (HIT), p. 827, 1668
- 37.107.107 Fee Reduction for Medical Marijuana Patients, p. 1462, 2028
- 37.108.507 Components of Quality Assessment Activities, p. 450, 1019
- 37.111.230 Trailer Courts and Tourist Campgrounds, p. 859, 1408
- 37.113.108 and other rules - Implementation of the Montana Clean Indoor Air Act (CIAA), p. 1003, 1414

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38.3.601 and other rules- Motor Carrier Certificates - Electronic Copy of Filings, p. 319, 1417

- 38.5.1411 Medical Emergencies, p. 1647, 2242
- 38.5.2202 and other rule - Pipeline Safety, p. 1880

REVENUE, Department of, Title 42

- I & II Property Tax for Privately Owned Landfills, p. 2460, 751
- 42.4.201 and other rules - Individual Energy Conservation Installation Credit, p. 2456, 459
- 42.4.2501 Biodiesel and Biolubricant Tax Credit, p. 135, 419
- 42.9.102 and other rules - Income Tax, p. 1883
- 49.13.101 and other rules - Regulations for Liquor Licensees, p. 1896
- 42.13.601 Small Brewery Closing Time Restrictions, p. 2613, 1021
- 42.15.215 Senior Interest Income Exclusions, p. 137, 353
- 42.17.101 and other rules - Withholding Taxes, p. 1912
- 42.19.401 and other rule - Property Tax Assistance Program - Tax Exemptions for Disabled Veterans, p. 1993
- 42.19.406 Extended Property Tax Assistance Program (EPTAP), p. 1397, 1685
- 42.20.307 and other rules - Agricultural Land Valuation, p. 1971
- 42.20.515 Taxable Value of Newly Taxable Property, p. 933, 1263
- 42.20.701 and other rules - Forest Land Property, p. 1961
- 42.21.113 and other rules - Property Taxes - Trend Tables For Valuing Property, p. 1932
- 42.25.501 and other rules - Coal Severance, p. 1904
- 42.31.401 and other rules - Telecommunications 9-1-1, p. 1999

SECRETARY OF STATE, Office of, Title 44

- 1.2.104 and other rules - Administrative Rules, p. 1465, 1809
- 1.2.419 Scheduled Dates for the 2010 Montana Administrative Register, p. 1586, 2031
- 44.2.202 and other rules - Fees and Procedures - Business Services Division, p. 1401, 1687, 1808
- 44.3.105 and other rules - Elections, p. 2126
- 44.5.121 Fees Charged by the Business Services Division, p. 2143
- 44.15.101 and other rules - Notaries Public, p. 1580

(Commissioner of Political Practices)

- 44.10.331 Limitations on Receipts from Political Committees to Legislative Candidates, p. 1654
- 44.10.338 Limitations on Individual and Political Party Contributions, p. 1651