

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 18

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

ADMINISTRATION, Department of, Title 2

2-21-492 Notice of Public Hearing on Proposed Amendment - Payroll Rules. 1644-1645

COMMERCE, Department of, Title 8

8-94-117 Notice of Public Hearing on Proposed Amendment - Administration of the 2013-2014 Federal Community Development Block Grant (CDBG) Program. 1646-1648

LABOR AND INDUSTRY, Department of, Title 24

24-11-275 Notice of Public Hearing on Proposed Adoption, Amendment, and Repeal - Unemployment Insurance. 1649-1660

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-646 Amended Notice of Public Hearing on Proposed Amendment - Medicaid Pharmacy Unit Dose Prescription Fee and Mental Health Youth Services Fee. 1661-1662

37-647 Notice of Public Hearing on Proposed Amendment - Order of Selection Revision and Catchphrase Change in the Vocational Rehabilitation Program. 1663-1666

	<u>Page Number</u>
37-648 Notice of Public Hearing on Proposed Amendment and Repeal - Home Support Services and Medicaid Mental Health Services for Youth Authorization Requirements.	1667-1676
37-649 Notice of Public Hearing on Proposed Amendment - Non-Medicaid Services Program.	1677-1679
<u>PUBLIC SERVICE REGULATION, Department of, Title 38</u>	
38-2-220 Notice of Public Hearing on Proposed Amendment - Public Utility Executive Compensation.	1680-1682
<u>SECRETARY OF STATE, Office of, Title 44</u>	
44-2-192 Notice of Public Hearing on Proposed Amendment - Scheduled Dates for the 2014 Montana Administrative Register.	1683-1685
<u>RULE ADOPTION SECTION</u>	
<u>STATE AUDITOR, Office of, Title 6</u>	
6-205 (Commissioner of Securities and Insurance) Notice of Adoption - Patient-Centered Medical Homes.	1686-1687
<u>LABOR AND INDUSTRY, Department of, Title 24</u>	
24-154-8 (Licensed Addiction Counselors Program) Notice of Amendment, Amendment and Transfer, Adoption, and Repeal - Definitions - Fee Schedule - Education Requirements - Application Procedures - Supervised Work Experience - Nonresident Counselor Services - Renewals - Continuing Education - Unprofessional Conduct - Complaint Procedure - Licensure by Endorsement - Inactive Status and Conversion - Supervision - Certification - Examinations.	1688-1694
24-156-78 (Board of Medical Examiners) Notice of Amendment - Applications for Licensure.	1695-1696
<u>PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37</u>	
37-632 Notice of Decision on Proposed Rule Action - Supports for Community Working and Living Waiver Program.	1697
37-639 Notice of Amendment - Healthy Montana Kids.	1698

SECRETARY OF STATE, Office of, Title 44

44-2-181 Corrected Notice of Adoption, Amendment, Amendment and Transfer, and Transfer - Elections.	1699
44-2-187 Notice of Amendment and Repeal - Montana Absent Uniformed Services and Overseas Voter Act.	1700
44-2-189 Notice of Amendment - Filing Fees for Limited Liability Companies.	1701

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee.	1702-1703
How to Use ARM and MAR.	1704
Accumulative Table.	1705-1712
Board and Council Appointees.	1713-1723
Vacancies on Boards and Councils.	1724-1731

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON  
2.21.3103 pertaining to payroll rules ) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On October 21, 2013, at 9:00 a.m., the Department of Administration will hold a public hearing in Room 136 of the Mitchell Building, at 125 N. Roberts Street, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on October 14, 2013, to advise us of the nature of the accommodation that you need. Please contact Randy Morris, Department of Administration, P.O. Box 200127, Helena, Montana 59620-0127; telephone (406) 444-3894; Montana Relay Service 711; TDD (406) 444-1421; facsimile (406) 444-0703; or e-mail to ramorris@mt.gov.

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

2.21.3103 TIME, AND TRAVEL, AND RELOCATION EXPENSE  
REPORTING (1) remains the same.

(2) An employee shall submit claims for reimbursement of travel and relocation expenses in the manner and within timelines prescribed by the agency, but no later than ~~3~~ three months after incurring the expense. The employee shall attach all necessary receipts and documentation to the claim. In accordance with ~~Montana operations manual volume I policy 1-0370.30~~ the Employee Travel Policy found at <https://montana.policytech.com/docview/?docid=154&public=true> under the travel category, an employee who fails to turn in travel and relocation claims within ~~3~~ three months of incurring the expense waives the right to reimbursement. The agency shall process all employee travel and relocation reimbursement claims through the state's central payroll system.

(3) and (4) remain the same.

AUTH: 2-18-401, MCA

IMP: 2-18-405, MCA

STATEMENT OF REASONABLE NECESSITY: The department proposes amending this rule to reinforce that the agency must process all employee travel and relocation reimbursement claims through the state's central payroll system instead of through SABHRS-Finance. In calendar year 2012, approximately \$17,000 worth of travel reimbursements were paid through SABHRS-Finance rather than the central payroll system, which results in the issuance of a 1099 rather than a W-2. Seven

agencies were responsible for these coding errors. Regarding relocation expenses, the IRS tax guidance advises that employees' relocation payments be made through the payroll system so the payment is included on a W-2. A change to the Employee Travel Policy site reflects the move of state policies to the new Montana Operations Manual web site.

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 Randy Morris, Department of Administration, P.O. Box 200127, Helena, Montana 59620-0127; faxed to the office at (406) 444-0703; or e-mailed to ramorris@mt.gov; and must be received no later than 5:00 p.m., October 25, 2013.

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

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

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

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

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

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

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

Certified to the Secretary of State September 9, 2013.

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 8.94.3727 pertaining to the	)	PROPOSED AMENDMENT
administration of the 2013-2014	)	
Federal Community Development	)	
Block Grant (CDBG) Program	)	

TO: All Concerned Persons

1. On October 9, 2013, at 9:00 a.m., the Department of Commerce will hold a public hearing in Room 504A of the Park Avenue Building at 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Commerce no later than 5:00 p.m. on October 6, 2013, to advise us of the nature of the accommodation that you need. Please contact Jennifer Olson, Community Development Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2773; fax (406) 841-2771; TDD (406) 841-2702; or e-mail jeolson@mt.gov.

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

8.94.3727 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE 2013-2014 CDBG PROGRAM (1) The Department of Commerce adopts and incorporates by reference the Montana Community Development Block Grant Program FFY ~~2012~~ 2013-2014 Application Guidelines for Housing and Public Facilities Planning Grants; the FFY 2013-2014 Application Guidelines for Non-competitive Housing Grants; the FFY 2011 Application Guidelines for the Community Development Block Grant Economic Development Program as amended April 2012; the FFY 2012 Application Guidelines for the Community Development Block Grant Economic Development Program; the Montana Community Development Block Grant Economic Development Program FFY ~~2011~~ 2013-2014 Application Guidelines for Planning Projects; the Montana Community Development Block Grant FFY 2011 Application Guidelines for the Neighborhood Stabilization Program (NSP); the Montana Community Development Block Grant Program and Neighborhood Stabilization Program ~~(NSP)~~ FFY ~~2012~~ 2013-2014 Grant Administration Manual published as rules for the administration of the CDBG and NSP programs; and the Montana Community Development Block Grant Program FFY 2013 and FFY 2014 Application Guidelines for Public Facilities

Projects and the FFY 2013 and FFY 2014 Application Guidelines for Housing and Neighborhood Renewal Projects.

(2) The rules incorporated by reference in (1) relate to the following:

- (a) policies governing the program;
- (b) requirements for applicants;
- (c) procedures for evaluating applications;
- (d) procedures for local project start up;
- (e) environmental review of project activities;
- (f) procurement of goods and services;
- (g) financial management;
- (h) protection of civil rights;
- (i) fair labor standards;
- (j) acquisition of property and relocation of persons displaced thereby;
- (k) administrative considerations specific to public facilities, housing and neighborhood renewal, economic development, and neighborhood stabilization projects;

neighborhood renewal, economic development, and neighborhood stabilization projects;

- (l) project audits;
- (m) public relations;
- (n) project monitoring; and
- (o) planning assistance.

(3) Copies of the Application Guidelines and Grant Administration Manual adopted by reference in (1) can be viewed on the department's web site at <http://comdev.mt.gov/default.mcp>x or <http://cdbged.mt.gov/draftguidelines.mcp>x, or may be obtained from the Department of Commerce, Community Development Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523.

AUTH: 90-1-103, MCA

IMP: 90-1-103, MCA

REASON: It is reasonably necessary to amend this rule because the federal regulations governing the state's administration of the FFY 2013 and FFY 2014 Community Development Block Grant Program (CDBG) and 90-1-103, MCA, require the department to adopt rules to implement the program.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Jennifer Olson , Community Development Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2550; fax (406) 841-2773; TDD (406) 841-2702; or e-mail [jeolson@mt.gov](mailto:jeolson@mt.gov), and must be received no later than 5:00 p.m., October 17, 2013.

5. Jennifer Olson, Department of Commerce, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-

mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

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

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

/s/ Kelly A. Lynch  
KELLY A. LYNCH  
Rule Reviewer

/s/ Meg O'Leary  
MEG O'LEARY  
Director  
Department of Commerce

Certified to the Secretary of State September 9, 2013



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

In the matter of the adoption of New	)	NOTICE OF PUBLIC HEARING ON
Rules I and II, the amendment of	)	PROPOSED ADOPTION,
ARM 24.11.204, 24.11.207,	)	AMENDMENT, AND REPEAL
24.11.335, 24.11.450A, 24.11.452A,	)	
24.11.485, 24.11.613, 24.11.616,	)	
24.11.1205 and 24.11.1209, and the	)	
repeal of ARM 24.11.461 pertaining	)	
to unemployment insurance	)	

TO: All Concerned Persons

1. On October 16, 2013, at 1:00 p.m., the Department of Labor and Industry will hold a public hearing in the Sanders Auditorium of the DPHHS Building, 111 North Sanders, Helena, Montana, to consider the proposed adoption, amendment, and repeal 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 rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on October 9, 2013, to advise us of the nature of the accommodation that you need. Please contact Don Gilbert, Department of Labor and Industry, P.O. Box 8020, Helena, MT 59624-8020; telephone (406) 444-4336; fax (406) 444-2993; TDD/Montana Relay Service (406) 444-5529; or e-mail [dgilbert@mt.gov](mailto:dgilbert@mt.gov).

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

NEW RULE I EMPLOYER LOSS OF INTERESTED PARTY STATUS

(1) The department shall determine an employer forfeited the right to participate as an interested party in the adjudication of an unemployment insurance claim when the employer:

(a) fails to respond within eight days of a department request for information related to a claimant's wage, employment, separation and eligibility for benefits, in accordance with ARM 24.11.450A; or

(b) fails to provide an adequate response to a relevant and material question regarding a claim for benefits posed by the department.

(2) For the purpose of this rule, "adequate response" means an accurate and complete answer by an employer to each relevant and material question posed by the department. Examples of employer responses, which the department may determine to be inadequate, include, but are not limited to, the following:

(a) answering a relevant and material department question with "not applicable" or "unknown at this time";

(b) failing to submit copies of written employee discipline or details of verbal employee discipline when the employer alleges misconduct;

(c) neglecting to provide a detailed description, upon request, of the final incident that triggered the claimant's separation from employment;

(d) failing to provide written statements by a workplace witness when requested by the department; or

(e) failing to provide a copy of the employer's rule or policy when employer alleges claimant was discharged for violation of the rule or policy.

(3) The department shall provide written notice to the employer of a determination that the employer forfeited the right to participate as an interested party to the adjudication of a claim. Following the employer's forfeiture, the employer may participate as an informational witness only.

(4) An employer may appeal the department's determination in accordance with the procedures of 39-51-2402, MCA, and ARM 24.11.450A.

(5) The employer and the department are the only interested parties to the adjudication of an employer's forfeit of interested party status.

(6) The department may rescind the employer's forfeit of interested party status only when good cause is demonstrated, as defined by ARM 24.11.204. The employer bears the burden of showing good cause for the employer's untimely or inadequate response.

(7) When an employer forfeits interested party status in the adjudication of a particular claim, the employer also forfeits the following:

(a) the right to appeal a department decision regarding the adjudication of that benefit claim; and

(b) the right to credit for a benefit overpayment created by the employer's untimely or inadequate response.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-605, MCA

REASON: The Trade Adjustment Assistance Extension Act of 2011, Public Law 112-40, which was enacted on October 21, 2011, requires that state unemployment insurance programs enact measures to ensure that employers respond to program requests for information regarding claims in a timely and adequate manner. The 2013 Montana Legislature enacted 39-51-605, MCA, Chap. 203, Sec. 1, L. 2013 (HB 127), which establishes that an employer forfeits the right to participate as an interested party in the adjudication of a claim for benefits when the employer, without good cause, fails to timely or adequately answer the department's questions regarding the circumstances of a former employee's separation from employment. The law provides that an employer also forfeits the right to appeal a department decision and the right to credit for any overpayment that may have resulted from the employer's failure to timely and adequately address the department's material and relevant questions regarding an employee's separation.

The department determines it is reasonable and necessary to propose New Rule I to clarify that an employer forfeits its interested party status and the right to receive credit for any overpayment created by the employer's untimely or inadequate response. The proposed new rule is also necessary to outline the process for an employer to appeal the department's determination that an employer has forfeited its

right to participate as an interested party. The department used the term forfeit to distinguish from the use of the term waive because waivers can be granted by the department for overpayments. The department doesn't want customers to confuse the two situations. However, the forfeiture required by this rule acts as a legal waiver of rights.

NEW RULE II RELIEF OF CHARGES TO EMPLOYERS (1) Except as provided in [NEW RULE I], the department shall relieve the charge to an employer's experience-rated account for benefits paid to a claimant who was discharged for misconduct or voluntarily left work without good cause attributable to the employment, in accordance with 39-51-2302 and 39-51-2303, MCA.

(2) The department shall also relieve the charge to an employer's experience-rated account for the benefits paid to a claimant who voluntarily left work for the following reasons:

(a) the department reached an individualized determination that the claimant left work that was unsuitable for the claimant, pursuant to ARM 24.11.485;

(b) the claimant left work within 30 days of resuming a state-approved training program, pursuant to ARM 24.11.475;

(c) the claimant left work or was discharged due to circumstances resulting from domestic violence, sexual assault, or stalking of claimant or claimant's child, pursuant to 39-51-2111, MCA;

(d) the claimant left temporary work, accepted during a period of unemployment, in order to return immediately to work for claimant's regular employer, pursuant to 39-51-2302, MCA;

(e) the claimant left work due to the mandatory military transfer of the claimant's spouse, pursuant to 39-51-2302, MCA; or

(f) the claimant's job was unavailable after claimant was ordered into military service for a period of less than six weeks, pursuant to 39-51-2302, MCA.

(3) The department shall assign the costs of benefits paid to claimants under (2) to the unemployment insurance trust fund.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-1214, 39-51-2111, 39-51-2116, 39-51-2302, 39-51-2303, MCA

REASON: The department determined it is necessary to propose NEW RULE II to avoid confusion regarding the circumstances in which the department will assign the costs of benefits paid to the unemployment insurance tax fund rather than charge the employer's experience rating account. The 2013 Montana Legislature amended 39-51-1214, MCA, Chap. 287, Sec. 1, L. 2013 (SB 128). The amended statute mandates that employers may not be charged for benefits paid to workers who were discharged for misconduct or voluntarily terminated their services without good cause attributable to the employment. SB 128 further directs that "the department shall determine a claimant left work with good cause attributable to employment" when the claimant left unsuitable work or left within 30 days of returning to state-approved training. The department finds SB 128 implies, but does not mandate, that employers will be charged for benefits paid to workers in these two circumstances,

which conflicts with the statutes and rules governing Montana's unemployment insurance program.

The department charges employers for the benefits paid to workers who voluntarily terminate their services only when the employment, itself, gave the worker a compelling reason to leave and the worker meets all other criteria set forth by statute and rule. Conversely, the department does not charge the employer for benefits paid to a worker who left unsuitable work or left work within 30 days of returning to state-approved training because the employer and the employment, itself, was not at fault in the worker's decision to terminate services.

By proposed NEW RULE II, the department reiterates all circumstances in which benefits paid will not be charged to an employer's experience rating account because the "good cause" for the worker's decision to terminate services was not attributable to the employment. The proposed rule further clarifies that the costs of benefits paid under the listed circumstances, instead, will be assigned to the unemployment insurance trust fund.

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

24.11.204 DEFINITIONS The terms used by the department are, in great part, defined in 39-51-201 through 39-51-205, MCA. In addition to these statutory definitions, the following definitions apply to this chapter, unless context or the particular rule provides otherwise:

(1) through (17) remain the same.

(18) "Good cause" means reasonably compelling circumstances which did not result from any act or omission on the part of the person or business entity claiming good cause and which could not be overcome by reasonable diligence ~~on the part of the person.~~

(19) through (43) remain the same.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-201, 39-51-605, 39-51-2111, 39-51-2112, 39-51-2115, 39-51-2116, 39-51-2304, MCA

REASON: The department determines it is reasonable and necessary to clarify that a business entity, as well as an individual person, may demonstrate good cause for an action or inaction, which resulted in a determination by the department that was adverse to the interest of the business entity.

24.11.207 INTERESTED PARTY (1) and (2) remain the same.

(3) Except as provided by 39-51-605, MCA, and [NEW RULE I], an employer who paid wages to the claimant is an interested party to proceedings that adjudicate the claimant's separation from employment with that employer. Proceedings that adjudicate the claimant's separation from employment during the base period of a claim determine whether any portion of benefits paid to a claimant are chargeable to

the base period employer's account pursuant to 39-51-1125, 39-51-1212, or 39-51-1214, MCA. An employer is not an interested party to proceedings that adjudicate nonseparation issues related to a claim.

(4) through (7) remain the same.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-605, Title 39, chapter 51, parts 11 and 12, 21 through 24, and 32, MCA

REASON: HB 127 mandates that an employer waives the right to participate as an interested party in the adjudication of a benefit claim when the employer fails to timely and adequately respond to the material and relevant questions of the department regarding a former employee's separation from employment. Consequently, the department determines the proposed amendment is necessary to bring the rule into conformity with HB 127.

24.11.335 SUBPOENAS (1) The appeals referee may issue subpoenas on the referee's own motion or may issue up to three to an interested party upon request. Subpoenas may be issued for the attendance of witnesses or the production of documents. Subpoenas must be served in the same manner as provided in civil actions.

(2) When an interested party requires more than three subpoenas, the party must file a written request with the Hearings Bureau, which specifies the following:

(a) expected content of evidence or witness testimony;

(b) necessity of the witness' testimony;

(c) refusal of the witness to testify voluntarily; and

(d) how the testimony of each witness differs from the expected testimony of other witnesses.

(3) A requested subpoena will not be issued when the hearing officer determines a subpoena is unduly burdensome or the expected witness testimony will be unnecessarily repetitive or irrelevant.

(2) remains the same but is renumbered (4).

AUTH: 39-51-302, MCA

IMP: 39-51-1109, 39-51-2403, MCA

REASON: The Hearings Bureau of the department has received a significant number of requests by interested parties for 10 or 15 subpoenas in unemployment insurance benefit claim cases. The department determines that, in some cases, the inordinate number of subpoenas served to harass the other party and did not result in new, relevant information pertinent to the issue to be decided at the hearing. Therefore, the department determines it is reasonable to limit the number of subpoenas an interested party may freely request to three, and require an interested party to justify each request for an additional subpoena to prevent irrelevant or duplicative evidence at the hearing.

24.11.450A NONMONETARY DETERMINATIONS AND REDETERMINATIONS (1) and (2) remain the same.

(3) Interested parties shall respond to all department requests for information pertinent to an investigation within eight days of the request, unless the delay in responding was for "good cause" as defined in ARM 24.11.204. ~~When an interested party~~ a claimant fails to respond within eight days and in the absence of "good cause," the department shall proceed with the adjudication process. When an employer fails to respond within eight days or provides an inadequate response to a relevant and material request for information from the department, the department shall determine the employer forfeited the right to participate in the adjudication of the claim as an interested party and forfeited the right to credit for any benefit overpayment created by the employer's untimely or inadequate response, pursuant to 39-51-605, MCA, and [NEW RULE I].

(4) through (13) remain the same.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-605, 39-51-2202, 39-51-2203, 39-51-2205, 39-51-2301 through 39-51-2304, 39-51-2402, 39-51-2507, 39-51-2508, 39-51-2511, 39-51-2602, 39-51-3201, 39-51-3202, 39-51-3206, MCA

REASON: Section 39-51-605, MCA, which was enacted by the 2013 Montana Legislature (HB 127) mandates that an employer waives the right to participate as an interested party in the adjudication of a benefit claim when the employer fails to timely and adequately respond to the material and relevant questions of the department regarding a former employee's separation from employment. Consequently, the department determines the proposed amendment is necessary to bring the rule into conformity with 39-51-605, MCA.

24.11.452A ELIGIBILITY FOR BENEFITS (1) through (4) remain the same.

(5) The department shall determine a claimant to be ineligible for benefits when, without good cause, the claimant:

(a) remains the same.

(b) fails to provide information requested by the department for the proper administration of the claim within eight days of the date of a mailed, faxed, or telephoned request; or

(c) fails to provide the department with updated contact information within three days of a change to claimant's mailing address. Claimants are urged to also provide the department with updated telephone number(s), e-mail address and, if applicable, fax number. The department shall reinstate a claimant's eligibility for benefits upon department receipt of the updated mailing address; or

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

(6) remains the same.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-504, 39-51-2101, 39-51-2104, 39-51-2115, 39-51-2304, MCA

REASON: The department determines the proposed amendment is necessary to clarify that claimants must immediately update their mailing address so the department is able to correspond with claimants in a timely manner concerning their claim. The department has encountered an increasing number of inaccurate mailing addresses for claimants. While the department urges claimants to provide updated contact information by means of the telephone, e-mail, or facsimile, an accurate mailing address is essential for the timely adjudication of a claim. Prompt communication between the department and a claimant is essential for the processing of claims; addressing issues that arise in the payment or nonpayment of weekly claims; notification of reemployment opportunities, termination date for "job-attached" or Job Service registration status, and verification of a change in the claimant's bank account PIN number. Failure of a claimant to timely update claimant's mailing address can result in the creation of an overpayment, the inability of the claimant to file a timely appeal, or the denial of benefits. The department determines that three days is a reasonable time in which claimants must inform the department of a change in their mailing address.

24.11.485 SUITABLE WORK (1) remains the same.

(2) The department shall allow claimant ~~reasonable time~~ 13 weeks of paid benefits during which to seek claimant's customary occupation or comparable work to preserve claimant's highest use of skills and earning potential. ~~One-half of the period of claimant's benefit entitlement constitutes a reasonable time.~~

(3) To determine whether ~~a claimant has refused an offer of~~ employment constitutes suitable work, ~~pursuant to ARM 24.11.455,~~ the department shall consider factors including, but not limited to:

(a) prospects for reemployment in claimant's customary occupation or comparable work;

(b) claimant's prior earnings and length of claimant's current unemployment:

(i) during the first half of the benefit entitlement period, work is suitable when it pays the prevailing wage in the locality for claimant's customary occupation or comparable work;

(ii) ~~after 13 weeks of paid benefits during the second half of the benefit entitlement period,~~ work is suitable when it pays 75% percent of claimant's earnings in prior insured work in claimant's customary occupation; or

(iii) work is not suitable when the offered wage is substantially less favorable to the claimant than the prevailing wage for similar work in the locality;

(c) claimant's prior work experience, training, education, and occupational licensure:

(i) work in related occupations becomes suitable when claimant has no realistic expectation of obtaining employment in an occupation that utilizes claimant's highest skill level; and

(ii) ~~after 13 weeks of paid benefits during the second half of the benefit entitlement period,~~ suitable work may be in any occupation that claimant worked during the base period or any work claimant can reasonably perform consistent with claimant's past experience, training, and skills;

(d) through (i) remain the same.

(4) and (5) remain the same.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-2101, 39-51-2112, 39-51-2115, 39-51-2304, MCA

REASON: The proposed rule amendment is necessary to bring this rule into conformity with 39-51-2304(4), MCA, which specifies that after 13 weeks of unemployment, suitable work is work that pays at least 75 percent of the claimant's prior earnings.

24.11.613 CHARGING BENEFIT PAYMENTS TO EXPERIENCE-RATED EMPLOYERS—CHARGEABLE EMPLOYERS (1) Benefit payments are charged to each employer who paid wages to the claimant during the base period. The charge will be based on the percentage of wages the employer paid to the claimant during the base period. For example, if the claimant earned 10% percent of the base period wages working for an employer, that employer would be chargeable for 10% percent of the benefits drawn by the claimant.

(a) If more than one separation ~~or severance~~ of employment exists from the same base period employer, charges or relief of charges will be based on the reason for the most recent separation ~~or severance~~ of employment occurring prior to the effective date of the claim. Any separation ~~or severance~~ of employment occurring after the effective date of a claim will not result in relief of charges on that claim, but may on a subsequent claim, if the reason for separation ~~or severance~~ of employment allows relief of charge.

(b) The department's determination concerning a separation ~~or severance~~ of employment from a base period employer, which subjects the claimant to possible disqualification under provisions of 39-51-2302, 39-51-2303, or 39-51-2305, MCA, will determine if that employer's account will be charged.

~~(c) A "severance of employment" occurs when an employing unit ceases paying wages, as defined in 39-51-201, MCA, even though the work duties may not cease, provided the employing unit is not subject to 39-51-1219, MCA.~~

(2) remains the same.

(3) When the first benefit check is issued, the department mails a "Potential ~~Benefit~~ Charge Notice" to the chargeable employer. This notice tells the employer that the benefits paid to the claimant will be charged to the employer's account unless the employer shows that the claimant was fired for misconduct or quit without good cause attributable to employment, pursuant to 39-51-2302 and 39-51-2303, MCA. The explanation of the separation must contain specific details of the separation, including copies of any supporting documents.

(a) As provided in 39-51-1214, MCA, the department reviews the information submitted by the employer and issues a determination notice stating whether ~~or not~~ the employer should be charged for the claimant's benefits.

(b) An employer has eight calendar days from the date of the notice to respond to the "Potential ~~Benefit~~ Charge Notice" and/or "Notice of Claim Filing and Potential ~~Benefit~~ Charge Notice."-. If an employer fails to show good cause for delay in responding to either notice, the employer ~~response will not be considered timely and will not be used in the department's determination~~ forfeits the right to appeal the



department's determination and waives the right to credit for any benefit overpayment that may result, in accordance with [NEW RULE I].

(c) If the employer provides the department with information that justifies basis for the request for relief of charges would have justified such relief, but the employer fails failed to provide separation information with within the time limits of the notice, such the department may not relieve the charges will not be relieved to the employer's experience-rated account.

(d) remains the same.

(4) Within 60 days of the end of each calendar quarter, the department mails to the employer a statement of benefits charged to the employer's account. This statement is the "Quarterly Statement of Benefits Paid" and is for informational purposes only since any appeal must be made from the "Potential Benefit Charge Notice" and shows:

(a) through (c) remain the same.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-1214, MCA

REASON: By rule amendment in 2011, the department clarified the definition of "separation" from employment in ARM 24.11.204 to mean "any reduction in a worker's hours of insured work for a particular employer." (See MAR Notice No. 24-11-270.) While the alternative phrase "severance of employment" indicates a complete cessation of work, the department finds the distinction is neither useful nor relevant. Consequently, the department determines that it is reasonable to delete the phrase "severance of employment" from this rule as unnecessary.

Because New Rule II outlines the various circumstances in which an employer will not be charged for benefits paid to a claimant, the department determines it is necessary to provide reference in this rule to the statutory bases for claimant disqualification for unemployment insurance benefits. Section 39-51-2302, MCA, fully describes the disqualification of claimants for "leaving work without good cause" and 39-51-2303, MCA, fully describes discharge for "misconduct."

#### 24.11.616 BENEFIT OVERPAYMENTS–CREDITING EMPLOYER

ACCOUNTS (1) The department shall determine an employer forfeited the right to credit for a benefit overpayment whenever the department determines an employer forfeited the right to participate as an interested party and the right to appeal in the adjudication of an unemployment insurance claim, pursuant to 39-51-605, MCA, and [NEW RULE I].

~~(1)~~ (2) Unless an employer has forfeited credit for an overpayment pursuant to 39-51-605, MCA, the The department immediately credits an experience-rated employer's account if a benefit overpayment occurs. The department shall inform each employer is informed of the any credit on the statement of benefits charged to the account.

(2) and (3) remain the same but are renumbered (3) and (4).

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-605, 39-51-1110, MCA

REASON: Section 39-51-605, MCA, enacted by the 2013 Legislature (HB 127), mandates that the employer who provides untimely or inadequate information in response to a department request for information, without good cause, must be denied credit for any subsequent erroneous payments made to the claimant. The proposed amendment is necessary to clarify that only employers that have not forfeited their right to a credit, pursuant to 39-51-605, MCA, are qualified to receive credit to the employer's experience-rated account for a benefit overpayment.

24.11.1205 BENEFIT OVERPAYMENTS–NOTICES AND APPEAL RIGHTS

(1) ~~The department shall notify claimants~~ Claimants are notified of disqualifications, ineligibilities, and reductions in benefit entitlement ~~by that result from:~~

- (a) non-monetary determinations;
- (b) appeals decisions, including redeterminations; and
- (c) revised monetary determinations.

(2) If a decision or determination described in (1) results in a benefit overpayment, the department shall provide the claimant will receive a with separate notice of the amount of benefit overpayment, notice which the claimant must repay to the department for deposit in the trust fund and unemployment insurance administration account in addition to the notice of that decision. When the department determines a benefit overpayment occurred as a result of fraud, in accordance with 39-51-3201, MCA, the department shall add a penalty to the overpayment amount due.

(3) A claimant may appeal the non-monetary determination, appeals decision, revised monetary determination or determination of benefit overpayment due to unreported or misreported earnings as provided under 39-51-2402 and 39-51-2403, MCA. The separate benefit overpayment notice may be appealed only as to the accuracy of the amount of the benefit overpayment.

~~(3)~~(4) Any benefit overpayment must be repaid to the department, regardless of the cause of the benefit overpayment, unless the department waives recovery of the benefit overpayment in accordance with ARM ~~24.11.467~~ 24.11.1207.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-3206, MCA

REASON: The proposed rule amendment is necessary to implement HB 127 by adding any penalty the department has assessed for fraudulent behavior to the overpayment a claimant must pay back to the department. The amendment is also necessary to correct the citation to the administrative rule related to benefit overpayment waivers.

24.11.1209 FRAUDULENT BENEFIT OVERPAYMENTS–ADMINISTRATIVE PENALTIES (1) remains the same.

(2) The penalty referred to in 39-51-3201(1)(b), MCA, for the first offense is ~~33%~~ 50 percent of the fraudulent benefit overpayment. ~~For each subsequent~~

~~offense within five years of the most recent previous fraudulent benefit overpayment, the penalty referred to in 39-51-3201, MCA, is 100% of the current fraudulent benefit overpayment.~~ The amount required to be repaid to the department will be an amount equal to the fraudulent benefit overpayment plus the penalty.

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-3201, 39-51-3202, 39-51-3203, 39-51-3206, MCA

REASON: HB 127 established the fraudulent benefit overpayment penalty as 50 percent of the fraudulently obtained benefits. The proposed amendment is necessary to bring the rule into conformity with the statute.

5. The department proposes to repeal the following rule:

24.11.461 SPECIFIC ACTS OF MISCONDUCT

AUTH: 39-51-301, 39-51-302, MCA

IMP: 39-51-2303, MCA

REASON: The 2013 Montana Legislature enacted SB 127, which incorporated the language of ARM 24.11.461, almost completely verbatim, into the statutory definitions governing the unemployment insurance program. Consequently, the department determines that the rule is unnecessary and merely redundant.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Don Gilbert, Department of Labor and Industry, P.O. Box 8020, Helena, MT 59624-8020; telephone (406) 444-4336; fax (406) 444-2993; TDD/Montana Relay Service (406) 444-5529; or e-mail [dgilbert@mt.gov](mailto:dgilbert@mt.gov), and must be received no later than 5:00 p.m., October 25, 2013.

7. Peggy Harper, Department of Labor and Industry, Hearings Bureau, has been designated to preside over and conduct this hearing.

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

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

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

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail and telephone on June 10, 2013 during the initial stage of rule drafting.

11. With regard to the requirements of 2-4-111, MCA, the department conducted a small business impact analysis and determined that there will not be significant, direct impact upon small employers as a result of the adoption of proposed NEW RULES I and II. A copy of the department's small business impact analysis is available on request from Don Gilbert, Department of Labor and Industry, P.O. Box 8020, Helena, MT 59624-8020; telephone (406) 444-4336; fax (406) 444-2993; TDD/Montana Relay Service (406) 444-5529; or e-mail [dgilbert@mt.gov](mailto:dgilbert@mt.gov).

/s/ Judy Bovington  
Judy Bovington  
Rule Reviewer

/s/ Pam Bucy  
Pam Bucy  
Commissioner of Labor  
Department of Labor and Industry

Certified to the Secretary of State September 9, 2013.

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

In the matter of the amendment of ) AMENDED NOTICE OF PUBLIC  
ARM 37.85.105 and 37.86.1105 ) HEARING ON PROPOSED  
pertaining to Medicaid pharmacy unit ) AMENDMENT  
dose prescription fee and mental )  
health youth services fee )

TO: All Concerned Persons

1. On September 5, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-646 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1579 of the 2013 Montana Administrative Register, Issue Number 17.

2. On October 9, 2013, at 11:00 a.m., the Department of Public Health and Human Services will hold a second public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rules. This public hearing is being held to receive comments to the amendment to the mental health youth services fee contained in this amended proposed notice.

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 October 2, 2013, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov).

4. The original proposed notice, published on September 5, 2013, pertained to the need to update the rules to accurately reflect how pharmacy benefits are administered in ARM 37.85.105(3). The department discovered, after the first notice was filed with the Office of the Secretary of State, that an update was also required in another area of the rule. The department has chosen to amend the original proposed notice rather than publish a separate notice.

The department proposes to amend the fee schedule adopted and incorporated by reference in ARM 37.85.105(6). The reason this is necessary is because the information contained in the "Management" column relating to authorization and reviews is located in other rules within the Children's Mental Health Bureau's (CMHB) rules. Housing this information in one rule rather than multiple rules will allow the CMHB to better organize regulations and information sharing. The

incorporation by reference date of the Medicaid Youth Mental Health Services Fee Schedule is being amended to be effective on November 1, 2013.

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

37.85.105 EFFECTIVE DATES, CONVERSION FACTORS, POLICY ADJUSTERS, AND COST-TO-CHARGE RATIOS OF MONTANA MEDICAID PROVIDER FEE SCHEDULES (1) through (5) remain as proposed.

(6) The department adopts and incorporates by reference, the fee schedule for the following programs within the Developmental Services Division, on the date stated.

(a) Mental health services for youth, as provided in ARM 37.87.901 in the Medicaid Youth Mental Health Services Fee Schedule, is effective ~~July 1, 2013~~ November 1, 2013.

(b) and (c) remain as proposed.

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

IMP: 53-2-201, 53-6-101, 53-6-402, MCA

6. ARM 37.86.1105 remains as proposed.

7. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on October 17, 2013. Comments may also be faxed to (406) 444-9744 or e-mailed to [dphslegal@mt.gov](mailto:dphslegal@mt.gov).

8. The department intends to apply these rules retroactively to November 1, 2013. A retroactive application of the proposed rules does not result in a negative impact to any affected party.

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

/s/ John C. Koch  
John C. Koch  
Rule Reviewer

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

Certified to the Secretary of State September 9, 2013.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 37.30.111, 37.30.1001, and ) PROPOSED AMENDMENT  
37.30.1002 pertaining to order of )  
selection revision and catchphrase )  
change in the vocational rehabilitation )  
program )

TO: All Concerned Persons

1. On October 9, 2013, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on October 2, 2013, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.30.111 VOCATIONAL REHABILITATION PROGRAM: ORDER OF SELECTION (1) remains the same.

(2) The categories and ranking for priority of service among applicants and persons otherwise eligible for services are as follows:

(a) priority one is eligible persons with most significant disabilities experiencing serious limitations in ~~four~~ three or more functional capacities;

(b) priority two is eligible persons with ~~most~~ significant disabilities experiencing serious limitations in at least ~~three~~ two functional capacities who are not in priority one; and

~~(c) priority three is eligible persons with significant disabilities experiencing serious limitations in at least two functional capacities who are not in priority one or two; and~~

~~(d) (c) priority four~~ three is all other eligible persons with disabilities who are not in priorities one, ~~two, or three~~ or two.

(3) remains the same.

(4) Implementation of an order of selection does not affect the status for receipt of services for a person who has been previously determined to be eligible for vocational services and who is receiving vocational rehabilitation services through an IPE prior to the date on which an order of selection is implemented.

AUTH: 53-7-102, 53-7-315, MCA

IMP: 53-7-102, 53-7-103, 53-7-105, 53-7-302, 53-7-303, MCA

37.30.1001 STANDARDS FOR PROVIDERS OF SERVICES FUNDED THROUGH CERTAIN DISABILITY, EMPLOYMENT, AND TRANSITIONS DIVISION PROGRAMS: GENERALLY (1) through (5) remain the same.

AUTH: 53-2-201, 53-7-102, 53-7-203, 53-7-206, 53-7-302, 53-7-315, MCA

IMP: 53-2-201, 53-7-102, 53-7-103, 53-7-203, 53-7-302, 53-7-303, MCA

37.30.1002 STANDARDS FOR PROVIDERS OF SERVICES FUNDED THROUGH CERTAIN DISABILITY, EMPLOYMENT, AND TRANSITIONS DIVISION PROGRAMS: ENROLLMENT AS A PROVIDER OF PROGRAM SERVICES

(1) through (11) remain the same.

AUTH: 53-2-201, 53-7-102, 53-7-203, 53-7-206, 53-7-302, 53-7-315, MCA

IMP: 53-2-201, 53-7-102, 53-7-103, 53-7-203, 53-7-302, 53-7-303, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing to amend ARM 37.30.111, 37.30.1001, and 37.30.1002.

##### ARM 37.30.111

The department is proposing to amend this rule to reflect the revision of the "order of selection" priority categories.

These amendments set forth the criteria that will allow the department to limit eligibility for vocational rehabilitation services based upon designation by characteristics of specific populations of persons as having priority in being screened for eligibility and in receipt of services. The proposed amendments simplify the process by reducing the priority category classifications from four category classifications to three category classifications.

The department is proposing to amend (4) that sets forth the criteria determining those eligible individuals who will receive services should an "order of selection" be implemented. The current rule allows the department to serve those individuals who have an Individualized Plan of Employment at the time "order of selection" is called. This rule amendment will allow the department to serve those individuals who have been deemed eligible for vocational rehabilitation services should an "order of selection" be implemented.



ARM 37.30.1001 and 37.30.1002

The department is proposing to amend the catchphrases because they are incorrect. The Disability Employment and Transitions Division (DETD), as a whole, does not enroll providers. Some programs under the DETD do enroll providers. The catchphrases are being amended to clarify that distinction.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., October 17, 2013.

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

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

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

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

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

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

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

Certified to the Secretary of State September 9, 2013.

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

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 37.87.701, 37.87.703,	)	PROPOSED AMENDMENT AND
37.87.733, 37.87.809, 37.87.903,	)	REPEAL
37.87.1013, 37.87.1401, 37.87.1404,	)	
37.87.1405, 37.87.1407, 37.87.1410,	)	
and 37.87.2233, and the repeal of	)	
37.87.1015, 37.87.1017, and	)	
37.87.1411 pertaining to home	)	
support services and Medicaid mental	)	
health services for youth	)	
authorization requirements	)	

TO: All Concerned Persons

1. On October 10, 2013, at 1:30 p.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on October 2, 2013, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.87.701 COMMUNITY-BASED PSYCHIATRIC REHABILITATION SUPPORT SERVICES (1) ~~Community-based psychiatric rehabilitation support (CBPRS) services are provided on a face-to-face basis primarily with a youth, and may also include consultation on a face-to-face basis with family members, teachers, employers, or other key individuals in the youth's life when such contacts are clearly necessary to meet rehabilitation goals established in the youth's individual treatment plan.~~ Community-Based Psychiatric Rehabilitation Support (CBPRS) services, defined in ARM 37.88.901(3), must be provided in accordance with this rule.

(2) CBPRS services:

~~(a)~~ may only be provided when the youth is receiving other mental health services;

~~(b)~~ (3) The department or its designee must prior authorize CBPRS services require prior authorization by the department or its designee when provided for a youth in the 1915(i) Home and Community-Based Services state plan or the PRTF waiver during day treatment program hours;

~~(c)~~ (4) do not require prior Prior authorization is not required when CBPRS services are provided on the same day as CSCT, Day Tx, or partial hospital services, if CBPRS if it is provided before or after program hours. This includes both individual and group CBPRS. Documentation of CBPRS must include time in and time out to show that CBPRS was not provided during program hours;

~~(d)~~ (5) are not allowed when the service to be provided is: CBPRS is not allowable:

~~(i)~~ during day treatment program hours unless the youth is in the PRTF waiver and CBPRS services are prior authorized;

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

~~(iii)~~ (b) when provided by a licensed mental health professional;

~~(iv)~~ and ~~(v)~~ remain the same, but are renumbered (c) and (d).

~~(vi)~~ (e) for case planning activities such as attending meetings, completing paperwork, and other documentation requirements or travel time; and

~~(vii)~~ remains the same, but is renumbered (f).

~~(e)~~ (6) may not exceed the following limits for group: The following limitations apply for CBPRS services:

~~(i)~~ through ~~(iii)~~ remain the same, but are renumbered (a) through (c).

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

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

37.87.703 MENTAL HEALTH CENTER SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), COVERED SERVICES (1) Mental health center services for youth with ~~serious emotional disturbance~~ SED include:

(a) ~~Community-based psychiatric rehabilitation and support (CBPRS) services as described provided for in ARM 37.87.701.~~

(b) Comprehensive school and community treatment in accordance with ~~ARM 37.86.2224~~ ARM Title 37, chapter 87, subchapter 18.

(c) through (e) remain the same.

(f) Targeted case management (TCM) services as defined in ARM 37.87.802.

(g) remains the same.

(h) Home support services (HSS) and therapeutic foster care (TFC) as defined in ARM 37.87.1402(5).

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

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

37.87.733 MENTAL HEALTH CENTER SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED), REIMBURSEMENT (1) Medicaid reimbursement for mental health center services shall be the lesser of:

- (a) remains the same.
  - (b) the rate established in the department's Medicaid fee schedule, as adopted in ARM ~~37.87.904~~ 37.85.105.
- (2) For day treatment services, the department will not reimburse a mental health center provider for more than one fee per treatment day per youth. This does not apply to mental health professional services to the extent such services are separately billed in accordance with these rules or targeted case management services for youth with ~~serious emotional disturbance~~ SED.

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

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

37.87.809 TARGETED CASE MANAGEMENT SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE, REIMBURSEMENT (1) Targeted case management (TCM) services for youth with SED will be reimbursed on a fee per unit of service basis. For purposes of this rule, a unit of service is a period of 15 minutes.

- (a) remains the same.
- (2) The department will pay providers of targeted case management services for youth with SED the lesser of:
  - (a) remains the same.
  - (b) the rate established in the department's Medicaid fee schedule, as adopted in ARM ~~37.87.904~~ 37.85.105.
- (3) ~~Targeted case management~~ TCM services may be billed to the department's fiscal agent using a Center for Medicare and Medicaid Systems (CMS) 1500 claim form. The provider must include the youth's DSM-IV diagnosis code on the claim form.
- (4) remains the same.
- (5) ~~Targeted case management~~ TCM services may be billed whether provided face-to-face or by telephone.

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

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

37.87.903 MEDICAID MENTAL HEALTH SERVICES FOR YOUTH, AUTHORIZATION REQUIREMENTS (1) remains the same.

(2) The department will not reimburse providers for two services that duplicate one another on the same day. ~~The department adopts and incorporates by reference the Medicaid Mental Health Plan and Mental Health Services Plan for Youth Services Excluded from Simultaneous Reimbursement (Service Matrix) effective August 1, 2011. A copy of the service matrix may be obtained from the department.~~

(3) ~~Prior authorization and continued authorization by the department or its designee is required for the following services:~~

- ~~(a) concurrent with therapeutic youth group services;~~
  - ~~(b) therapeutic youth group home services and extraordinary needs aide services in accordance with ARM 37.87.1011, 37.87.1013, 37.87.1015, and 37.87.1017;~~
  - ~~(c) therapeutic foster care (TFOC) services in accordance with ARM Title 37, chapter 51;~~
  - ~~(d) psychiatric residential treatment facility services defined in ARM 37.87.1202;~~
  - ~~(e) hospital for psychiatric treatment and partial psychiatric hospital services defined in ARM 37.86.2901 and 37.86.3001; and~~
  - ~~(f) as provided for in other rules.~~
- (4) through (7) remain the same, but are renumbered (3) through (6).
- ~~(8)~~ (7) Review of authorization requests and retrospective reviews by the department or its designee will be made with consideration of the department's clinical management guidelines. The department adopts and incorporates by reference the Children's Mental Health Bureau's Provider Manual and Clinical Guidelines for Utilization Management dated ~~January 31, 2013~~ November 15, 2013. A copy of the manual may be obtained from the department by a request in writing to the Department of Public Health and Human Services, Developmental Services Division, Children's Mental Health Bureau, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210 or at [www.dphhs.mt.gov/mentalhealth/children/index.shtml](http://www.dphhs.mt.gov/mentalhealth/children/index.shtml).
- (9) and (10) remain the same, but are renumbered (8) and (9).

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

37.87.1013 THERAPEUTIC GROUP HOME (TGH), REIMBURSEMENT

- (1) The reimbursement rate for the therapeutic and rehabilitative portion of TGH or TGH with extraordinary needs aide (ENA) services is the lesser of (1)(a) or (b):
- (a) the amount specified in the department's Medicaid Mental Health Fee Schedule as adopted in ARM ~~37.97.901~~ 37.85.105; or
  - (b) through (7) remain the same.

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

37.87.1401 HOME SUPPORT SERVICES AND THERAPEUTIC FOSTER CARE, SERVICES REIMBURSEMENT

- (1) Reimbursement for the therapeutic portion of home support services (HSS) and therapeutic foster care (TFC) services is the lesser of:
- (a) the amount specified in the department's fee schedule adopted in ARM ~~37.87.901~~ 37.85.105; or
  - (b) through (4) remain the same.
- ~~(5) Targeted case management will not be reimbursed concurrent with HSS or TFC.~~

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

37.87.1404 HOME SUPPORT SERVICES (HSS) AND THERAPEUTIC FOSTER CARE (TFC), INDIVIDUALIZED TREATMENT PLAN (1) The individualized treatment plan (ITP) must be developed in accordance with ARM 37.106.1916 ~~and based upon a strengths, needs, and cultural assessment of the caregiver and the youth.~~

(2) through (5) remain the same.

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

37.87.1405 HOME SUPPORT SERVICES (HSS) AND THERAPEUTIC FOSTER CARE (TFC), ASSESSMENTS (1) through (3) remain the same.

~~(4) A functional assessment identifying potential crisis situations must be completed for each youth within the first 14 days after intake. The functional assessment must:~~

- ~~(a) include a specific plan to respond to each identified crisis; and~~
- ~~(b) be updated every 90 days.~~

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

37.87.1407 HOME SUPPORT SERVICES (HSS) AND THERAPEUTIC FOSTER CARE (TFC), PROVISIONS OF SERVICE (1) remains the same.

(2) The following must be available and provided as clinically indicated by a mental health professional and in accordance with ARM 37.87.903:

(a) conduct a treatment team meeting with the caregiver to develop an individualized treatment plan in accordance with ARM ~~37.87.1402~~ 37.87.1404;

(b) through (3) remain the same.

(4) The following services must be available and provided as clinically indicated. The services must be identified in the ITP and include two of the following:

(a) and (b) remain the same.

~~(c) therapy delivered to the caregiver and family by the clinical lead;~~

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

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

37.87.1410 HOME SUPPORT SERVICES (HSS) AND THERAPEUTIC FOSTER CARE (TFC), PROVIDER REQUIREMENTS (1) through (3) remain the same.

(4) The clinical lead must:

(a) remains the same.

~~(b) provide therapy to the caregiver and family when identified as a need in the ITP;~~

(c) through (e) remain the same, but are renumbered (b) through (d).  
(5) through (8) remain the same.

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

37.87.2233 MENTAL HEALTH SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE (SED) RESPITE CARE SERVICES, PROVIDER REIMBURSEMENT (1) and (2) remain the same.

(3) Reimbursement for respite care services is as provided in the department's Medicaid fee schedule, as adopted in ARM 37.85.105(6).

(4) remains the same.

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

4. The department proposes to repeal the following rules:

37.87.1015 THERAPEUTIC GROUP HOME (TGH), AUTHORIZATION REQUIREMENTS is found on page 37-21354 of the Administrative Rules of Montana.

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

37.87.1017 THERAPEUTIC GROUP HOME (TGH), EXTRAORDINARY NEEDS AIDE (ENA) SERVICES, AND AUTHORIZATION REQUIREMENTS is found on page 37-21355 of the Administrative Rules of Montana.

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

37.87.1411 THERAPEUTIC FOSTER CARE PERMANENCY SERVICES, AUTHORIZATION REQUIREMENTS AND COVERED SERVICES is found on page 37-21421 of the Administrative Rules of Montana.

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

#### 5. STATEMENT OF REASONABLE NECESSITY

In November 2012, the Children's Mental Health Bureau (CMHB) of the Department of Public Health and Human Services (department) filed a notice of public hearing on proposed adoption, amendment, and repeal in the matter of the adoption of New Rules I through X, the amendment of ARM 37.87.703, and the repeal of ARM 37.37.301, 37.37.303, 37.37.310, 37.37.311, 37.37.316, 37.37.318, 37.37.323, 37.37.330, 37.37.336, 37.87.1021, 37.87.1023, and 37.87.1025, pertaining to



therapeutic family care and therapeutic foster care in MAR Notice No. 37-619. The proposed changes were intended to repeal multiple rules, reorganize, and propose new rules to provide clear guidelines of service expectations. Due to the response from stakeholders to that rulemaking proposal CMHB resolved to practice administrative discretion and postpone the implementation of those rules and continue to meet with stakeholders to address their concerns. These proposed rule amendments reflect the outcome from those meetings.

During the 63rd Montana Legislative Session, CMHB funding was decreased for the utilization review contract that is currently held by Magellan Medicaid Administration, Inc. As a result of this reduction in funding, the CMHB is removing the prior authorization requirements to the following services: Partial Hospital Programs (PHP); Therapeutic Foster Care permanency (TFOC-P); 1915i/PRTF Waiver services; and outpatient therapy concurrent with therapeutic group homes. These changes are reflected in the Children's Mental Health Bureau's Provider Manual and Clinical Guidelines for Utilization Management.

Further proposed amendments clean up language which is redundant with the mental health center rules, update ARM references which have changed, and better organize CMHB rules.

#### ARM 37.87.701

The department is proposing to amend (3) to specify what services require community-based psychiatric rehabilitation support (CBPRS) services to be prior-authorized (PA) by the department or its designee. This is necessary to ensure the rule specifies the PA requirements and adds information regarding who to submit PA requests to. The department is also renumbering this rule in order to make it more readable.

#### ARM 37.87.703

The department is proposing to add home support services (HSS) and therapeutic foster care (TFC) to this rule. This is necessary because this rule provides a list of mental health center services for youth with serious emotional disturbances and home support services and therapeutic foster care are among those services provided by mental health centers. The department also proposes to update rule references in (1)(b) from ARM 37.86.2224 to ARM Title 37, chapter 87, subchapter 18. This is necessary to reflect the amendment to the comprehensive school and community treatment rules which was effective July 1, 2013.

#### ARM 37.87.733, 37.87.809, 37.87.1013, and 37.87.2233

The department proposes to update the reference to the Medicaid Youth Mental Health Services Fee Schedule, which is now adopted and incorporated into ARM 37.85.105(6). This is necessary because, effective July 1, 2013, the department

consolidated fee schedules into one rule to provide an organized and streamlined process for updating fee schedules.

ARM 37.87.903

The department is proposing to remove the adoption and incorporation by reference of the Medicaid Mental Health Plan and Mental Health Services Plan for Youth Services Excluded from Simultaneous Reimbursement (service matrix), effective August 1, 2011, from (2). The service matrix has been updated and is proposed as an appendix to the Children's Mental Health Bureau's Provider Manual and Clinical Guidelines for Utilization Management dated January 31, 2013 (manual). A copy of the proposed manual can be viewed under the Children's Mental Health heading at the department's web site: <http://www.dphhs.mt.gov/publications/index.shtml#cmh>.

The manual is also being updated to reflect the outcomes of the stakeholder meetings as stated above. In MAR Notice No. 37-619 the department had proposed to exclude HSS and TCM as concurrent services. As an alternative, the department is proposing to update and apply the clinical management guidelines and eligibility criteria for HSS and TCM as the instrument for determining the need for home support services and targeted case management in order to realize the goal of clinically appropriate service delivery while maintaining fiscal efficiency. The department is proposing an effective date of the manual of November 15, 2013 to align with the rule effective date.

The department is also removing the list of services in (3) which require prior authorization or continued authorization. The department determined that this information already exists in other areas of rule and therefore it is redundant to maintain this list. Prior authorization and continued authorization requirements have not changed.

ARM 37.87.1401

As stated above, in MAR Notice No. 37-619 the department had proposed to exclude HSS and TCM as concurrent services. As an alternative, the department is proposing to update and apply the clinical management guidelines and eligibility criteria for HSS and TCM as the instrument for determining the need for home support services and targeted case management in order to realize the goal of clinically appropriate service delivery while maintaining fiscal efficiency.

The department also proposes to correct the reference to the Medicaid Youth Mental Health Services Fee Schedule, which is now adopted and incorporated by reference in ARM 37.85.105(6). This is necessary because effective July 1, 2013, the department consolidated fee schedules into one rule to provide an organized and streamlined process for updating fee schedules.

ARM 37.87.1404

The department is proposing to remove the language from ARM 37.87.1404 which is superfluous in view of the fact that the mental health center rules include the requirements for an individualized treatment plan.

ARM 37.87.1405

The department is proposing to remove the functional assessment requirement from this rule. This is necessary to eliminate redundancy with the mental health center rules.

ARM 37.87.1407 and 37.87.1410

The department is proposing to remove the requirement for the clinical lead to provide therapy to the caregiver and the family. In the meetings held with stakeholders, they clearly articulated opposition to the addition of this requirement. The department agrees that HSS is a time-limited service intended to promote skills and provide training for the caregiver in support of the youth; therefore, family therapy may or may not be clinically appropriate. The removal of this requirement is necessary in order to promote clinically appropriate services to youth and their caregivers. The department is proposing to correct an error in this rule. ARM 37.87.1402 should be ARM 37.87.1404. This correction will provide a correct reference.

ARM 37.87.1015, 37.87.1017, and 37.87.1411

The department is proposing to repeal these rules due to changes in the prior authorization requirements for therapeutic group homes, extraordinary needs aide services provided in a therapeutic group home, and therapeutic foster care permanency. This is necessary due to the decrease in funding for utilization review which has resulted in a change to the authorization requirements. CMHB is proposing the amended authorization requirements in the Children's Mental Health Bureau's Provider Manual and Clinical Guidelines for Utilization Management.

Fiscal Impact

The department estimates, given current conditions and assuming providers of the affected services do not change their current practices, the fiscal impact for the proposed removal of the prior authorization requirements for Partial Hospital Programs (PHP), Therapeutic Foster Care permanency (TFOC-P), 1915i/PRTF Waiver Services, and outpatient therapy concurrent with therapeutic group homes will increase expenditures by approximately \$1 million per year or \$2 million over the biennium. The proposed changes to home support services (HSS) are projected to reduce expenditures by \$1,455,000 for the biennium.

6. The department intends to adopt these rule amendments effective November 15, 2013.

7. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., October 17, 2013.

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

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

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

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

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

/s/ John C. Koch  
John C. Koch  
Rule Reviewer

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

Certified to the Secretary of State September 9, 2013.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 37.87.2203 pertaining to non- ) PROPOSED AMENDMENT  
Medicaid services program )

TO: All Concerned Persons

1. On October 10, 2013, at 2:30 p.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on October 2, 2013 to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov).

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

37.87.2203 YOUTH SYSTEM OF CARE ACCOUNT, REQUIREMENT NON-MEDICAID SERVICES PROGRAM (1) ~~The department shall use funds from this account to reimburse in state or community based service providers that allow high risk youth with multi-agency service needs to be served in the least restrictive and most appropriate setting.~~ The Children's Mental Health Bureau (CMHB) administers the Non-Medicaid Services Program for youth with serious emotional disturbance to provide the following short-term funding:

- (a) Supplemental Services Program;
- (b) Room and Board Account; and
- (c) System of Care Account.

(2) The youth must be eligible for Medicaid. This subchapter is not intended to and does not establish an entitlement for any youth to be determined eligible for or to receive any services under the CMHB Non-Medicaid Services Program. The department may, in its discretion, limit services, rates, eligibility, and the number of youth determined eligible under the plan based upon such factors as availability of funding, the degree of financial need, the degree of medical need, and other factors.

(3) The youth must meet serious emotional disturbance (SED) criteria outlined in ARM 37.87.303. The CMHB's Non-Medicaid Services Program provider

Manual, dated November 1, 2013, sets forth the requirements and limitations of the CMHB's Non-Medicaid Services Program.

~~(4) The youth must be at high risk for one of the following: The CMHB Non-Medicaid Services Program for youth with serious emotional disturbance must be delivered in accordance with the requirements and limitations of the Children's Mental Health Bureau's Non-Medicaid Services Program Provider Manual, dated November 1, 2013. A copy of the manual may be obtained from the Department of Public Health and Human Services, Developmental Services Division, Children's Mental Health Bureau, 111 N. Sanders, PO Box 4210, Helena, MT 59604 or at <http://www.dphhs.mt.gov/mentalhealth/children/>.~~

- ~~(a) needing more restrictive level of care;~~
- ~~(b) remaining in restrictive level of care if no other appropriate placement options are available;~~
- ~~(c) posing a safety risk to self or others; and~~
- ~~(d) having multiple treatment and/or placement failures.~~
- ~~(5) The services the youth receives:~~
  - ~~(a) shall provide for the care and protection and mental, social, and physical development of the high risk youth with multi-agency service needs;~~
  - ~~(b) must be specified in the youth's integrated treatment plan;~~
  - ~~(c) cannot be eligible for reimbursement from another source;~~
  - ~~(d) must be identified as part of a planning process;~~
  - ~~(e) shall maintain the youth in a community setting or return the youth to a community setting as a priority; and~~
  - ~~(f) shall be prior authorized by the department or its designee.~~

AUTH: 53-2-201, 53-6-113, 53-21-703, MCA

IMP: 53-1-601, 53-1-602, 53-1-603, 53-2-201, 53-21-201, 53-21-202, 53-21-701, 53-21-702, MCA

#### 4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services, Children's Mental Health Bureau (CMHB) is proposing amendments to ARM 37.87.2203 by adding Room and Board Account to the CMBH's non-Medicaid funded services. This is necessary in order to implement the mandate of HB2 of the 63rd Montana Legislature which delegated \$650,000 for room and board funding for children with serious emotional disturbance. The amendments also combine Children's Mental Health Bureau's non-Medicaid funding sources into a comprehensive manual. It is necessary for the department to incorporate these services under one rule to organize and streamline access to services covered with non-Medicaid funds.

#### Fiscal Impact

The proposed amendments to ARM 37.87.2203 will implement the \$650,000 allocation of general fund dollars for room and board funding for youth with serious emotional disturbance, as mandated in HB2 from the 63rd Montana Legislature.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., October 17, 2013.

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

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

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

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

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

/s/ John C. Koch  
John C. Koch  
Rule Reviewer

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

Certified to the Secretary of State September 9, 2013.

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

In the matter of the amendment of            ) NOTICE OF PUBLIC HEARING ON  
ARM 38.2.5031 pertaining to Public        ) PROPOSED AMENDMENT  
Utility Executive Compensation            )

TO: All Concerned Persons

1. On October 17, 2013, at 1:30 p.m., the Department of Public Service Regulation will hold a public hearing in the Bollinger Room at 1701 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Service Regulation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Service Regulation no later than 5:00 p.m. on October 9, 2013, to advise us of the nature of the accommodation that you need. Please contact Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; TDD/Montana Relay Service (406) 444-4212; or e-mail asolem@mt.gov.

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

38.2.5031 PUBLIC UTILITY EXECUTIVE COMPENSATION INFORMATION  
TRANSPARENCY RULE

~~(1) If the commission is in possession of executive compensation information, the commission will not afford proprietary, confidential treatment to the compensation of the three highest-paid, Montana-based employees. Total compensation includes, but is not limited to base salary, short-term (annual) incentive plan benefits, long-term incentive plan benefits, stock options, any supplemental benefit plans and perquisites, and compensation from the public utility affiliates of their executive management personnel in Montana. The total compensation information of the three highest-paid, Montana-based utility employees will not be protected from public disclosure through issuance of a protective order by the commission. If a public utility or a public utility employee contends that the circumstances of the privacy of an employee's particular compensation warrants issuance of a protective order despite the wording set forth above, the utility or employee may seek issuance of a protective order and set forth the circumstances that may justify issuance of such an order. Any information held in the possession of the commission is open to the public for inspection and copying in accordance with 2-6-102, MCA, during regular business hours, as defined by 2-16-117, MCA, except for information listed in (2).~~



(a) Information includes: pleadings, petitions, applications, motions, communications, exhibits, reports, records, accounts, files, papers, and memoranda or other document(s); of every nature, which may include utility compensation information; in whole or in part, whether individual or in aggregate, whether organized by job title or name, whether executive or otherwise.

~~(2) Adoption of this rule does not preclude the commission from seeking and securing other information from regulated businesses.~~ The following information is not open to public inspection:

(a) commission personnel files;

(b) information for which the commission has issued a protective order pursuant to 69-3-105(2), MCA; and

(c) information required by law or requirements of personal privacy to remain confidential.

AUTH: 69-3-103, MCA

IMP: 69-3-102, 69-3-106, 69-3-201, 69-3-203, 69-3-330, MCA

REASON: The department is amending the existing rule to clarify that all information in possession of the department is public information, unless it is required by law or through issuance of a protective order to remain confidential. The existing version of the rule is limited to executive pay and does not discuss how non-executive utility compensation information is handled. The department is amending the existing rule to improve and clarify how it handles information that is in the department's possession.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; or e-mail [asolem@mt.gov](mailto:asolem@mt.gov), and must be received no later than 5:00 p.m., October 25, 2013.

5. The commission, a commissioner, or a duly appointed presiding officer may preside over and conduct the hearing.

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

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version

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

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

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact any small businesses. The proposed rule clarifies that information in the possession of the department will be public information unless it is required to be protected consistent with law. If the proposed rule is amended, small regulated utility businesses that are required to file information with the department will continue to have to file for a protective order to keep information confidential. That is consistent with the prior process at the department. The department is unaware of any significant and direct adverse impacts that amendment of the proposed rule will have on other small businesses.

/s/ JUSTIN KRASKE  
Justin Kraske  
Rule Reviewer

/s/ W.A. (BILL) GALLAGHER  
W.A. (Bill) Gallagher  
Chairman  
Public Service Regulation

Certified to the Secretary of State September 9, 2013.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON  
1.2.419 regarding the scheduled dates ) PROPOSED AMENDMENT  
for the 2014 Montana Administrative )  
Register )

TO: All Concerned Persons

1. On October 17, 2013, a public hearing will be held at 9:30 a.m. in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Secretary of State 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 Secretary of State no later than 5:00 p.m. on October 3, 2013, to advise us of the nature of the accommodation that you need. Please contact Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 461-5173; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail [jquintana@mt.gov](mailto:jquintana@mt.gov).

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

1.2.419 FILING AND PUBLICATION SCHEDULE FOR THE MONTANA ADMINISTRATIVE REGISTER (1) The scheduled filing dates, time deadline, and publication dates for material to be published in the Montana Administrative Register are listed below:

~~2013 Register Publication Schedule~~

Issue	Filing (due by noon)	Publication
1	January 7	January 17
2	January 22	January 31
3	February 4	February 14
4	February 19	February 28
5	March 4	March 14
6	March 18	March 28
7	April 1	April 11
8	April 15	April 25
9	April 29	May 9
10	May 13	May 23
11	May 28	June 6

12	June 10	June 20
13	July 1	July 11
14	July 15	July 25
15	July 29	August 8
16	August 12	August 22
17	August 26	September 5
18	September 9	September 19
19	October 7	October 17
20	October 21	October 31
21	November 4	November 14
22	November 18	November 27
23	December 2	December 12
24	December 16	December 26

2014 Register Publication Schedule

<u>Issue</u>	<u>Filing (due by noon)</u>	<u>Publication</u>
<u>1</u>	<u>January 6</u>	<u>January 16</u>
<u>2</u>	<u>January 21</u>	<u>January 30</u>
<u>3</u>	<u>February 3</u>	<u>February 13</u>
<u>4</u>	<u>February 18</u>	<u>February 27</u>
<u>5</u>	<u>March 3</u>	<u>March 13</u>
<u>6</u>	<u>March 17</u>	<u>March 27</u>
<u>7</u>	<u>March 31</u>	<u>April 10</u>
<u>8</u>	<u>April 14</u>	<u>April 24</u>
<u>9</u>	<u>April 28</u>	<u>May 8</u>
<u>10</u>	<u>May 12</u>	<u>May 22</u>
<u>11</u>	<u>June 2</u>	<u>June 12</u>
<u>12</u>	<u>June 16</u>	<u>June 26</u>
<u>13</u>	<u>June 30</u>	<u>July 10</u>
<u>14</u>	<u>July 14</u>	<u>July 24</u>
<u>15</u>	<u>July 28</u>	<u>August 7</u>
<u>16</u>	<u>August 11</u>	<u>August 21</u>
<u>17</u>	<u>August 25</u>	<u>September 4</u>
<u>18</u>	<u>September 8</u>	<u>September 18</u>
<u>19</u>	<u>September 29</u>	<u>October 9</u>
<u>20</u>	<u>October 14</u>	<u>October 23</u>
<u>21</u>	<u>October 27</u>	<u>November 6</u>
<u>22</u>	<u>November 10</u>	<u>November 20</u>
<u>23</u>	<u>December 1</u>	<u>December 11</u>
<u>24</u>	<u>December 15</u>	<u>December 24</u>

(2) remains the same.

AUTH: 2-4-312, MCA  
IMP: 2-4-312, MCA

4. ARM 1.2.419 is proposed to be amended to set dates pertinent to the publication of the Montana Administrative Register during 2014. The schedule is proposed during the month of September in order that it may be adopted during October to allow state agencies the opportunity to plan their rulemaking schedule to meet program needs for the upcoming year.

5. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing [jquintana@mt.gov](mailto:jquintana@mt.gov), and must be received no later than 5:00 p.m., October 24, 2013.

6. Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

7. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code, or combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

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

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

/s/ Jorge Quintana  
JORGE QUINTANA  
Rule Reviewer

/s/ Linda McCulloch  
LINDA MCCULLOCH  
Secretary of State

Dated this 9th day of September, 2013.

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR

In the matter of the adoption of NEW ) NOTICE OF ADOPTION  
RULES I (6.6.4901), II (6.6.4902), III )  
(6.6.4903), IV (6.6.4905), and V )  
(6.6.4906) pertaining to Patient- )  
Centered Medical Homes )

TO: All Concerned Persons

1. On August 8, 2013, the Commissioner of Securities and Insurance, Montana State Auditor, published MAR Notice No. 6-205 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 1414 of the 2013 Montana Administrative Register, Issue Number 15.

2. The department has adopted the following rules as proposed: New Rule I (6.6.4901), New Rule II (6.6.4902), New Rule III (6.6.4903), New Rule IV (6.6.4905), New Rule V (6.6.4906).

3. On August 29, 2013, a public hearing was held on the proposed adoption of the above-stated rules in Helena. Comments were received by the September 5, 2013, deadline.

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 NO. 1: The Montana Department of Public Health and Human Services wishes to set Montana-specific measures that focus on priority health status issues, in particular: blood pressure control, smoking cessation for pregnant women, and meeting immunization goals for children. The commenter believes that the standards used by the national accrediting entities for patient-centered medical homes do not properly measure these health status goals, and therefore, the Montana PCMH program needs to adopt these Montana-specific standards.

RESPONSE NO. 1: The department appreciates this comment and agrees with the goals that the Department of Public Health and Human Services wishes to achieve. The purpose of this first set of rules is to establish the rules necessary to the administration of the PCMH program. The department intends to discuss Montana-specific standards with the stakeholder council soon, and when there is agreement, move forward with additional rules as quickly as possible. The department welcomes the participation and expertise of the public health department in the development of those rules.

COMMENT NO. 2: Two commenters, who operate government healthcare programs, asked that the department refrain from restricting the use of the name

"patient-centered medical home" or "medical home" to only those healthcare providers who have been qualified by the commissioner pursuant to these rules. One comment was received outside the official comment period.

RESPONSE NO. 2: The Department of Public Health and Human Services has its own rulemaking authority, allowing it to create a patient-centered medical home program for Medicaid recipients. However, that rulemaking authority requires DPHHS to use healthcare providers that have been qualified by the commissioner. The legislation adopted (SB 84) specifically provides that healthcare payer or provider participation in the patient-centered medical home program is completely optional. However, if a plan or provider chooses to brand itself as a patient-centered medical home, it must comply with the legal requirements of the program. Government healthcare programs and health plans are payers, as defined in the act, except that Medicaid has special provisions, outside of those that apply to health plans.

The term "medical home" is clearly short-hand for the longer term, "patient-centered medical home." The two terms are synonymous. Allowing healthcare providers or payers to use the term "medical home" when they have not qualified as a PCMH and do not meet the standards would be misleading to consumers and would undermine the integrity of the PCMH program. In addition, allowing nonqualified healthcare providers and payers to call themselves a "medical home," which is the nickname for a patient-centered medical home, would be unfair to the payers and providers who have achieved that status, as well as a misrepresentation to consumers.

COMMENT NO. 3: Several commenters applauded the administrative rules and the implementation of the PCMH program in general. In particular, the commenters support the role of the stakeholder council as defined in the proposed rules.

RESPONSE NO. 3: The department appreciates this support and looks forward to its ongoing relationship with the stakeholders.

/s/ Brett O'Neil  
Brett O'Neil  
Rule Reviewer

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

Certified to the Secretary of State September 9, 2013.

BEFORE THE LICENSED ADDICTION COUNSELORS PROGRAM  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT,
ARM 24.154.301 definitions,	)	AMENDMENT AND TRANSFER,
24.154.401 fee schedule, 24.154.405	)	ADOPTION, AND REPEAL
education requirement, 24.154.407	)	
application procedures, 24.154.409	)	
supervised work experience,	)	
24.154.420 nonresident counselor	)	
services, 24.154.2101 renewals,	)	
24.154.2105, 24.154.2106, and	)	
24.154.2107 continuing education,	)	
24.154.2301 unprofessional conduct,	)	
24.154.2401 complaint procedure,	)	
the amendment and transfer of ARM	)	
24.154.421 (24.154.408) licensure by	)	
endorsement, the adoption of NEW	)	
RULE I inactive status and	)	
conversion, and the repeal of ARM	)	
24.154.410 and 24.154.411	)	
supervision, 24.154.415 certification,	)	
24.154.416 and 24.154.417	)	
examinations	)	

TO: All Concerned Persons

1. On April 11, 2013, the Licensed Addiction Counselors Program of the Department of Labor and Industry (department) published MAR Notice No. 24-154-8 regarding the public hearing on the proposed amendment, amendment and transfer, adoption, and repeal of the above-stated rules, at page 468 of the 2013 Montana Administrative Register, Issue No. 7.

2. On May 7, 2013, a public hearing was held on the proposed amendment, amendment and transfer, adoption, and repeal of the above-stated rules in Helena. Several comments were received by the May 15, 2013, deadline.

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

GENERAL COMMENTS

COMMENT 1: One commenter questioned whether a grandfather clause can be incorporated with regard to individuals who are already enrolled in school.



RESPONSE 1: The proposed rule changes already account for students currently enrolled in programs, versus those newly enrolled after the amendments take effect.

COMMENT 2: One commenter cautioned the department to be careful grouping associate, bachelors, and masters level individuals together.

RESPONSE 2: This comment is beyond the scope of this rulemaking project.

COMMENT 3: One commenter stated that comments have been provided in the past, but alleged that nobody responded and nothing changed.

RESPONSE 3: Beginning in 2009, the department held several information-gathering meetings in anticipation of updating the licensed addiction counseling (LAC) rules. All meetings concerning this rulemaking have complied with Montana Administrative Procedure Act.

#### ARM 24.154.301 DEFINITIONS

COMMENT 4: Several commenters questioned whether LACs would know what the term "evidence-based contextually valid assessment instruments" means, stating the definition is vague, too ambiguous, inconsistent with national definition, and violates MAPA, the Montana Constitution, and due process. One commenter asserted the definition exceeds the program's statutory authority.

RESPONSE 4: Following consideration of the comments, the department is further amending the term "evidence-based."

COMMENT 5: One commenter suggested that reference to other materials and/or definitions could provide guidelines to licensees, whereas now there are none regarding the definition of "evidence-based."

RESPONSE 5: The department agrees with the commenter and is amending the definition accordingly.

COMMENT 6: A commenter suggested the department develop definitions for "contextually," "validity," "reliability," "norms," "supervision," and "documentation."

RESPONSE 6: Following consideration of the comment, the department concluded that such definitions are not necessary at this time.

COMMENT 7: One commenter suggested defining "licensed addiction counseling" and "alcohol and drug studies," especially to include evidence-based programs and practices, and asserted that "licensed addiction counseling" is too broad.

RESPONSE 7: Following consideration of the comment, the department concluded that such definitions are not necessary at this time.

ARM 24.154.407 APPLICATION PROCEDURES

COMMENT 8: One commenter did not understand what the qualifying education was for individuals with a bachelor's degree and requested clarification.

RESPONSE 8: This comment is beyond the scope of this rulemaking.

COMMENT 9: One commenter asked the department to retain the provision in this rule so the department will continue to notify applicants within 30 days of an application's acceptance.

RESPONSE 9: The department decided that a notification timeframe is not necessary, since the department's application system operates within the suggested timeframe already, as long as applications are complete.

COMMENT 10: One commenter stated that 300 contact hours of qualifying education is too little to prepare counselors in handling clients, and suggested 1000 to 2000 hours instead.

RESPONSE 10: The department notes that an increase to 1000 to 2000 hours is above even what national standards require, and is not amending the 300-hour requirement further.

COMMENT 11: Several commenters suggested the department amend this rule to include endorsement for Northwest and Southwest CADC II certification for Native Americans.

RESPONSE 11: The department agrees with the suggestion and is amending the rule accordingly.

COMMENT 12: Numerous commenters suggested adding a ten-day timeframe for department issuance of temporary licenses, stating that potential employers should not have to wait months to hear whether a temporary license has been granted.

RESPONSE 12: The department decided that a notification timeframe is not necessary, since the department's application system operates within the suggested timeframe already, as long as applications are complete.

COMMENT 13: Numerous commenters stated it was unnecessary to increase the pharmacology requirement hours from 12 to 30, since the topic is covered by the national examination.

RESPONSE 13: The department concluded that because pharmacology is a topic needed to pass the exam, an increase in the required hours for this topic will prepare applicants more fully to pass the exam.

COMMENT 14: Several commenters questioned what courses actually covered "co-occurring disorders," stating clarification is needed.

RESPONSE 14: Following consideration of the comment, the department concluded that such a definition is not warranted at this time, given the ever-changing nature of course titles at universities.

COMMENT 15: Numerous commenters stated it is unrealistic to require 90 hours in licensed addiction counseling. The commenters asserted that the general counseling courses they obtain, as well as ethics and multicultural courses, should qualify towards addiction counseling.

RESPONSE 15: The department concluded that an amendment is not necessary at this time, since 90 hours in licensed addiction counseling reflects current trends and guarantees applicants are familiar with the most up-to-date practices for addiction counseling.

#### ARM 24.154.409 SUPERVISED WORK EXPERIENCE

COMMENT 16: Two commenters requested clarification to the organized group practice setting language. They stated that such groups should have to prove a group exists, rather than just two private counselors sharing office space.

RESPONSE 16: Following consideration of the comment, the department concluded that is already accomplished through private practice consortium agreements, which are provided to the department.

COMMENT 17: Several commenters stated that doubling the required supervised work experience hours for associate degree holders would create barriers for individuals entering the profession. Numerous commenters questioned creation of the trifurcated supervised work experience system, whereby the requisite hours for associate, bachelors, and masters level applicants is different.

The commenters asserted that because the need for licensed addiction counselors is on the rise, creating a system with more barriers defeats the purpose behind licensure. They stated there is no evidence that shows master's level students are better counselors and therefore need less hours, and that the evidence is to the contrary. One commenter stated that the trifurcated system exceeds the department's statutory authority.

RESPONSE 17: The evidence gathered by the department over the years indicates that a trifurcated system is necessary. In particular, based on complaints received, increasing the supervised work experience hours for associate level individuals is necessary to ensure adequate protection of the public. The department notes that individuals with associate degrees will still be able to work, but will just need to work more supervised hours than previously required. Consequently, no new barriers have been created by the trifurcated system and counselors will still be available for

any increased need that may exist. Developing this system does not exceed the statutory authority provided to the department in 37-35-103 and 37-35-202, MCA.

COMMENT 18: Numerous commenters suggested focusing on the course content taught at schools, rather than increasing the number of supervised hours.

RESPONSE 18: Following consideration of the comment, the department is reluctant to require specific courses, given the ever-changing nature of course titles at universities.

COMMENT 19: Two commenters stated the onsite supervision is difficult to obtain in the rural cities of Montana and suggested allowing supervision via Skype or other similar technological means.

RESPONSE 19: The department agrees and is amending the rule accordingly.

COMMENT 20: Numerous commenters questioned whether academic internships qualified as supervised work experience. If so, the commenters believed there was a conflict between language contained in ARM 24.154.407 and 24.154.409.

RESPONSE 20: The rules delineate that academic internships do not qualify as supervised work experience, and therefore no conflict exists between ARM 24.154.407 and 24.154.409.

#### ARM 24.154.2107 CONTINUING EDUCATION PROCEDURES AND DOCUMENTATION

COMMENT 21: One commenter asked why sociology is being deleted as an available continuing education (CE) course when sociology courses are recognized as qualifying education for applicants.

RESPONSE 21: The department agrees with the suggestion and is amending the rule accordingly.

COMMENT 22: Numerous commenters suggested that webinars be included for allowable continuing education.

RESPONSE 22: The department agrees with the suggestion and is amending the rule accordingly.

COMMENT 23: Several commenters objected to the \$20 fee charged by the department for CE course submission, especially since the rules require submission of the agendas. The commenters stated that those agendas are often time-consuming and thereby costly to submit, and want to utilize the in-service education.

RESPONSE 23: This comment is beyond the scope of this rulemaking.

COMMENT 24: One commenter was concerned with eliminating the carryover for CE credits, since some courses provide 60 to 80 credits and are expensive.

RESPONSE 24: The department decided to eliminate carryover CE after finding that obtaining CE credits each year is necessary to ensure licensees are up-to-date on current education in the field of licensed addiction counseling.

#### ARM 24.154.2301 UNPROFESSIONAL CONDUCT

COMMENT 25: Two commenters stated the vague definition of "evidence-based" is problematic, given that it is linked to unprofessional conduct. Commenters stated that licensees need to know what conduct is considered unprofessional conduct, which is impossible without an accurate definition, and that such licensee ignorance violates due process and is illegal under MAPA.

RESPONSE 25: Given that the department is amending the term "evidence-based," licensees should have a better understanding of what is unprofessional conduct.

4. The department has amended ARM 24.154.401, 24.154.405, 24.154.420, 24.154.2101, 24.154.2105, 24.154.2106, 24.154.2301, and 24.154.2401 exactly as proposed.

5. The department has amended ARM 24.154.301, 24.154.407, 24.154.409, and 24.154.2107 with the following changes, stricken matter interlined, new matter underlined:

24.154.301 DEFINITIONS (1) through (5) remain as proposed.

(6) "Evidence-based" means ~~the licensed addiction counselor systematically finds, appraises, and uses~~ systematically finding, appraising, and using the most current and valid research findings as the basis for clinical decisions based on research from sites such as Substance Abuse and Mental Health Services Administration (SAMHSA), National Registry of Evidence-Based Programs and Practices (NREPP), National Institute on Drug Abuse (NIDA), or similar resources.

(7) through (9) remain as proposed.

24.154.407 APPLICATION PROCEDURES (1) through (6) remain as proposed.

(7) Applicants must receive a passing score on the Level 1 or Level 2 written examination prescribed by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NACC), on the Northwest Certification II, or on the Southwest Certification II. Test results are sent to the applicants and the department. Applicants receive an "overall" score for the examination and separate scores for each of the ~~four~~ content areas.

24.154.409 SUPERVISED WORK EXPERIENCE (1) through (2)(b) remain as proposed.

(c) The supervisor must observe the work of applicants for LAC temporary practice permits in each of the 11 skill areas. Observation of the work of applicants by supervisors may occur via Skype or other similar technological means.

(2)(d) through (7) remain as proposed.

24.154.2107 CONTINUING EDUCATION PROCEDURES AND DOCUMENTATION (1) through (7) remain as proposed.

(8) Training films may be used for continuing education, provided the films are observed as part of continuing education that includes a discussion period. Films observed outside a work setting may be counted if the film includes a test instrument to verify training. Webinars also may be used for continuing education.

(9) Counselors may earn all or part of the required continuing education from advanced academic courses. Course work must be completed after the date of licensure or license renewal. Courses must be taken for credit. Audited courses will not receive continuing education credit. Ten hours will be granted for each academic quarter hour and 15 hours for each semester credit hour in the fields of addiction counseling, psychology, social work, ~~and~~ professional counseling, and sociology.

(10) remains as proposed.

6. The department has amended and transferred ARM 24.154.421 (24.154.408) exactly as proposed.

7. The department has adopted New Rule I (24.154.422) exactly as proposed.

8. The department has repealed ARM 24.154.410, 24.154.411, 24.154.415, 24.154.416, and 24.154.417 exactly as proposed.

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

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

Certified to the Secretary of State September 9, 2013

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.156.603 applications for )  
licensure )

TO: All Concerned Persons

1. On April 25, 2013, the Board of Medical Examiners (board) published MAR Notice No. 24-156-78 regarding the public hearing on the proposed amendment of the above-stated rule, at page 576 of the 2013 Montana Administrative Register, Issue No. 8.

2. On May 20, 2013, a public hearing was held on the proposed amendment of the above-stated rule in Helena. Several comments were received by the May 28, 2013, deadline.

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

COMMENT 1: One commenter applauded the board for no longer requiring references as part of the application process, and for offering an array of options for physicians re-entering the practice of medicine, instead of being tied exclusively to an examination.

RESPONSE 1: The board appreciates all comments received during the rulemaking process.

COMMENT 2: One commenter asked the board to amend ARM 24.156.618, which sets out the requirements for physicians re-entering practice after more than two years of inactive license status, to address new applicants who have not practiced, and then add that amended language to this rule.

RESPONSE 2: The board is amending the rule exactly as proposed. The board notes that the reference to ARM 24.156.618, which was amended December 7, 2012, via MAR Notice No. 24-156-76, ensures that reactivating physicians and new applicants who have not engaged in clinical practice are treated in the same manner.

COMMENT 3: One commenter stated that language in ARM 24.156.603(3) may be confusing for physicians who have recently completed a residency or fellowship program, and asks the board to clarify why this language is included.

RESPONSE 3: The board agrees with the commenter and is amending the rule by striking "excluding residency or fellowship training."

COMMENT 4: One commenter appreciated offering an expedited license process with staff independently verifying information, but asked that this independent verification be utilized by the board for all applications, not just expedited ones.

RESPONSE 4: The board notes that all routine applications are being processed in an improved, efficient, and timely manner with staff independently verifying information electronically.

4. The board has amended ARM 24.156.603 with the following changes, stricken matter interlined, new matter underlined:

24.156.603 APPLICATIONS - EXPEDITED LICENSURE (1) and (2) remain as proposed.

(3) An applicant who has not engaged in the active clinical practice of medicine, ~~excluding residency or fellowship training~~, for the two or more years preceding his or her application must meet the requirements set forth in ARM 24.156.618.

(4) through (8) remain as proposed.

BOARD OF MEDICAL EXAMINERS  
KRISTIN SPANJIAN, MD, PRESIDENT

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

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

Certified to the Secretary of State September 9, 2013



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

In the matter of the adoption of New )  
Rule I pertaining to supports for )  
community working and living waiver )  
program )

NOTICE OF DECISION ON  
PROPOSED RULE ACTION

TO: All Concerned Persons

1. On May 9, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-632 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 780 of the 2013 Montana Administrative Register, Issue Number 9.

2. A public hearing on the notice of proposed adoption of the above-stated rule was held on May 29, 2013.

3. Due to the extent of the changes required by the Center for Medicaid and Medicare Services to the 1915(c) Developmental Disability 0208 Home and Community-Based Services waiver application, the department determined it would be prudent to withdraw this proposed notice.

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

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

Certified to the Secretary of State September 9, 2013.

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 37.79.304 and 37.79.501 )  
pertaining to healthy Montana kids )

TO: All Concerned Persons

1. On June 20, 2013, the Department of Public Health and Human Services published MAR Notice No. 37-639 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1025 of the 2013 Montana Administrative Register, Issue Number 12.

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

3. No comments or testimony were received.

4. These rule amendments are effective October 1, 2013.

/s/ John Koch  
John Koch  
Rule Reviewer

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

Certified to the Secretary of State September 9, 2013.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I, the amendment of ARM	)	CORRECTED NOTICE OF
44.3.1101, 44.3.2004, 44.3.2005,	)	ADOPTION, AMENDMENT,
44.3.2014, 44.3.2015, 44.3.2110,	)	AMENDMENT AND TRANSFER,
44.3.2111, 44.3.2114, 44.3.2203, and	)	AND TRANSFER
44.3.2304, the amendment and	)	
transfer of 44.3.1403, 44.3.1716, and	)	
44.3.2016, and the transfer of	)	
44.3.1715 pertaining to elections	)	

TO: All Concerned Persons

1. On June 20, 2013, the Secretary of State published MAR Notice No. 44-2-181 pertaining to a public hearing on the proposed adoption, amendment, amendment and transfer, and transfer of the above-stated rules at page 1059 of the 2013 Montana Administrative Register, Issue No. 12. On September 5, 2013, the Secretary of State published the notice of adoption, amendment, amendment and transfer, and transfer at page 1628 of the 2013 Montana Administrative Register, Issue Number 17.

2. The Secretary of State is submitting this corrected notice to reassign the rule number for New Rule I from 44.3.2407 to 44.3.2408 because transferred rule 44.3.1715 had been assigned the rule number 44.3.2407.

3. The replacement pages for this corrected notice will be submitted to the Secretary of State on September 30, 2013.

/s/ JORGE QUINTANA  
Jorge Quintana  
Rule Reviewer

/s/ LINDA MCCULLOCH  
Linda McCulloch  
Secretary of State

Dated this 9th day of September, 2013.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 44.3.2405, 44.3.2501, and	)	REPEAL
44.3.2511, and the repeal of ARM	)	
44.3.2502, 44.3.2503, 44.3.2504,	)	
44.3.2505, 44.3.2506, 44.3.2507,	)	
44.3.2508, 44.3.2509, and 44.3.2510	)	
pertaining to the Montana Absent	)	
Uniformed Services and Overseas	)	
Voter Act	)	

TO: All Concerned Persons

1. On June 20, 2013, the Secretary of State published MAR Notice No. 44-2-187 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 1071 of the 2013 Montana Administrative Register, Issue Number 12.

2. The Secretary of State has amended and repealed the above-stated rules as proposed.

3. No comments or testimony were received.

4. These rule amendments and rule repeals are effective January 1, 2014, to coincide with the effective date of Chapter 139, Laws of 2013.

/s/ Jorge Quintana  
JORGE QUINTANA  
Rule Reviewer

/s/ Linda McCulloch  
LINDA MCCULLOCH  
Secretary of State

Dated this 9th day of September, 2013.

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 44.5.115 pertaining to filing fees )  
for Limited Liability Companies )

TO: All Concerned Persons

1. On June 20, 2013, the Secretary of State published MAR Notice No. 44-2-189 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1080 of the 2013 Montana Administrative Register, Issue Number 12.

2. The Secretary of State has amended the above-stated rule as proposed.

3. The Secretary of State received a comment from K. Virginia "Ginger" Aldrich, attorney for the Montana State Legislature, stating that the fee statement required by 2-4-302(c), MCA, was missing from the proposal notice. The Secretary of State is unable to provide an estimate of the dollar amount expected to be generated by the proposed fees or the number of persons affected because the Montana Legislature created a new business entity (series limited liability company) that has never before existed in the state of Montana. Therefore, the Secretary of State has no way of estimating how many entities will choose to register under this new business category.

4. The fees are effective on October 1, 2013, to coincide with the effective date of the amendment to the Montana Limited Liability Company Act.

/s/ JORGE QUINTANA  
Jorge Quintana  
Rule Reviewer

/s/ LINDA MCCULLOCH  
Linda McCulloch  
Secretary of State

Dated this 9th day of September, 2013.

## **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.<br>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, 2013. This table includes those rules adopted during the period July 1, 2013, through September 30, 2013, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 2013, 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 2013 Montana Administrative Register.

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

### ADMINISTRATION, Department of, Title 2

- 2.21.1931 and other rules - VEBA Plan, p. 296, 1083
- 2.59.104 Semiannual Assessment for Banks, p. 241, 667
- 2.59.302 Schedule of Charges for Consumer Loans, p. 235, 666
- 2.59.1001 and other rule - Merger Application Procedures, p. 1375
- 2.60.203 Application Procedure for a Certificate of Authorization for a State-Chartered Bank, p. 244, 668

#### (Montana Public Employees' Retirement Board)

- I-III Criteria to Be Used by the Board's Actuary to Obtain Information Related to PERS, Its Amortization Period, Its Funding Status, Its Future GABA Rates, and Its Actuarial Equivalent Factors, 1466
- 2.43.1302 and other rules - Definitions - Required Employer Reports - Payment of Estimated Benefits - Return to Covered Employment by PERS, SRS, or FURS Retiree Report - Death Payments - Survivor Benefits - Optional Retirement Benefits, p. 348, 830
- 2.43.2114 and other rule - Establishing a Process for the Payment on Employer Contributions on Behalf of Working Retirees, Including Independent Contractors and Other Workers in PERS-Covered Positions, p. 1161, 1519
- 2.43.2114 and other rule - Required Employer Reports Regarding Employer Contributions Paid on Behalf of University Employees Who Elect to Participate in the Optional Retirement Program Rather Than in the Public Employees' Retirement System, p. 1470

2.43.3502 and other rule - Investment Policy Statement - Defined Contribution Retirement Plan - 457 Deferred Compensation Plan, p. 1165

(State Banking Board)

I-VII Applications for Shell Banks, p. 1383

(Burial Preservation Board)

2.65.102 and other rules - Repatriation of Human Skeletal Remains - Funerary Objects - Human Skeletal Remains - Burial Site Protection, p. 308, 785

AGRICULTURE, Department of, Title 4

4.5.112 Noxious Weed Management Advisory Council Member Terms, p. 737, 1176

4.5.313 Noxious Weed Seed Free Forage Fees, p. 1395

4.12.1308 Exterior Plant Health Quarantine for Japanese Beetle, p. 739, 983, 1432

4.12.1405 and other rules - Plant Inspection Certificate and Survey Costs Fees and Civil Penalties, p. 1399

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

I-V Patient-Centered Medical Homes, p. 1414

6.6.507B and other rules - Medicare Supplements, p. 1228

6.6.705 Composition of the Committee, p. 1168

6.6.2403 Group Coordination of Benefits, p. 2296, 669

COMMERCE, Department of, Title 8

I Administration of the 2015 Biennium Treasure State Endowment Program - Emergency Grants, p. 353, 832

I Administration of the 2015 Biennium Treasure State Endowment Program - Planning Grants, p. 355, 833

I-IV Implementation of the Montana Indian Language Preservation Pilot Program, p. 891, 1331

8.2.501 and other rule - Administration of the 2015 Biennium Quality Schools Grant Program-Planning Grants - Administration of the 2015 Biennium Quality Schools Grant Program - Emergency Grants, p. 741, 1178

8.94.3727 Administration of the 2013-2014 Federal Community Development Block Grant (CDBG) Program, p. 462, 834

8.94.3814 Governing the Submission and Review of Applications for Funding Under the Treasure State Endowment Program (TSEP), p. 889, 1330

8.97.801 and other rules - Montana Capital Companies, p. 744, 1181

8.99.801 and other rules - Implementation of the Primary Sector Workforce Training Grant Program, p. 747, 1182

8.111.602 and other rule - Low Income Housing Tax Credit Program, p. 750, 1183

EDUCATION, Department of, Title 10

(Board of Public Education)

10.55.701 and other rules - Accreditation Standards, p. 357, 961

10.64.301 School Bus Requirements, p. 82, 411

10.66.101 and other rules - Adult Education - High School Level Tests of General Education Development (GED), p. 84, 412

FISH, WILDLIFE AND PARKS, Department of, Title 12

12.8.702 and other rules - Primitive Fishing Access Sites, p. 1565

(Fish, Wildlife and Parks Commission)

I Salvage Permits, p. 1300

12.11.501 and other rules - Recreational Use on Lake Alva, Harpers Lake, and Lake Marshall, p. 755, 1563

ENVIRONMENTAL QUALITY, Department of, Title 17

I-VIII Infectious Waste, p. 1419

17.36.802 and other rule - Fee Schedules – Changes in Subdivision, p. 1474

17.50.301 State Solid Waste Management - Resource Recovery Plan, p. 465, 1439

17.53.105 Hazardous Waste - Incorporation by Reference, p. 554, 963

17.56.201 and other rule - Performance Standards for New UST Systems - Upgrading of Existing UST Systems, p. 1428

(Board of Environmental Review)

17.30.702 and other rules - Department Circular DEQ-4, p. 2529, 90, 895

17.30.1330 and other rules - Concentrated Animal Feeding Operations - General Permits - Additional Conditions Applicable to Specific Categories of MPDES Permits - Modification or Revocation - Reissuance of Permits - Minor Modification of Permits - Technical Standards for Concentrated Animal Feeding Operations, p. 2510, 529

17.85.103 and other rules - Definitions - Eligible Projects - Eligible Applicants - Application Procedure - Application Evaluation Procedure - Environmental Review and Compliance With Applicable State Law - Applications and Results Public - Loan Terms and Conditions and Reports - Accounting, p. 92, 670

TRANSPORTATION, Department of, Title 18

18.5.101 and other rules - Highway Approaches, p. 985, 1442

18.8.414 and other rules - Motor Carrier Services, p. 759, 1184

- 18.8.510A Motor Carrier Services, p. 362, 839
- 18.8.512 and other rule - Motor Carrier Services, p. 365, 964
- 18.8.519 Wreckers and Tow Vehicle Requirements, p. 204, 535

CORRECTIONS, Department of, Title 20

- 20.9.701 and other rules - Parole and Release of Youth, p. 802

JUSTICE, Department of, Title 23

- I-IV Chrome for Kids Motorcycle License Plates, p. 1000
- 23.3.129 and other rules - Collection and Verification of Social Security Numbers for Drivers' Licenses and Identification Cards, p. 996
- 23.12.401 and other rules - Fire Safety - Fireworks - Uniform Fire Code - Equipment Approval, p. 897, 1338
- 23.16.102 and other rules - Large-Stakes Card Game Tournaments - Small-Stakes Card Game Tournaments - Grounds for Denial of Gambling License - Permit or Authorization - Confiscation of Temporary Dealer License - Card Game Tournament Rules - How to Acquire the Official Montana Poker Rule Book - Player Restrictions - Dealer Restrictions - House Players - Operation of the Games – Table Stakes - Betting - Posting of Rules and Pot Limits - Definitions - Sports Pool Cards - Maximum Price of Sports Pool Chances - Determination of Sports Pool Winners – Prizes - Authorized Sports Pool Prize Value - Sports Tab Game Conduct - Maximum Price of Sports Tab - Sports Tab Game Prize Value - Sports Tab Game Seller Record Keeping Requirements –Decal Inventories - Quarterly Reporting Requirements - Reporting Frequency for Approved Tier I Automated Accounting Systems - General Software Specifications for Video Gambling Machines - Testing Fees - Repairing Machines – Approval - Casino Night Prizes - Web Site Address Access to Forms, p. 1302, 1606
- 23.16.1822 and other rule - Increase in Video Gambling Machine Permit Fees, p. 904, 1340

LABOR AND INDUSTRY, Department of, Title 24

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

- 24.11.204 and other rules - Unemployment Insurance, p. 2534, 102, 413
- 24.17.107 and other rule - Prevailing Wage Rates – Districts for Public Works Projects, p. 1479
- 24.29.201 and other rules - Workers' Compensation, p. 369, 841
- 24.29.1401A and other rules - Medical Services Rules for Workers' Compensation Matters, p. 557, 1185
- 24.351.215 and other rules - License Fee Schedule - Split Weighing Allowed, p. 1004

(Board of Chiropractors)

24.126.301 and other rules - Definitions - Inactive Status - Continuing Education, p. 809

(State Electrical Board)

24.141.405 Fee Schedule, p. 907, 1524

(Board of Funeral Service)

24.147.402 and other rules - Mortician Application - Inspections - Examination - Federal Trade Commission Regulations - Licensing - Sanitary Standards - Disclosure Statement on Embalming - Transfer or Sale of Mortuary License - Continuing Education Requirements - Sponsors - Unprofessional Conduct - Mortuary Branch Establishment - Continuing Education Definitions - Conditional Permission to Practice - Renewal of Cemetery License - Branch Facility - Complaint Filing, p. 382, 1191

(Licensed Addiction Counselors Program)

24.154.301 and other rules - Fee Schedule - Education Requirements - Application Procedures - Supervised Work Experience - Nonresident Counselor Services - Renewals - Continuing Education - Unprofessional Conduct - Complaint Procedure - Licensure by Endorsement - Inactive Status and Conversion - Supervision - Certification - Examinations, p. 468

(Board of Medical Examiners)

24.156.603 Applications for Licensure, p. 576

(Board of Nursing)

24.159.301 and other rules - Definitions - Advanced Practice Registered Nurses - Biennial Continuing Education Credits - Practice and Competence Development - Standards Related to APRNs, p. 490, 1609

(Board of Outfitters)

24.101.413 and other rules - Renewal Dates - Requirements - Fees - Outfitter Records - NCHU Categories - Transfers - Records - Renewals - Incomplete Outfitter and Guide License Application - Guide to Hunter Ratio - Provisional Guide License, p. 2107, 2304, 671

(Board of Private Alternative Adolescent Residential or Outdoor Programs)

24.181.301 and other rule - Amendment - Definitions - Renewals, p. 2310, 208, 965

(Board of Professional Engineers and Professional Land Surveyors)

24.183.1001 and other rules - Form of Corner Records - Uniform Standards for Certificates of Survey - Uniform Standards for Final Subdivision Plats, p. 1716, 2113, 673

(Board of Public Accountants)

24.201.301 and other rules - Definitions - Discreditable Acts - Alternatives - Exemptions - Renewals - Peer Review Programs - Statement by Permit Holders - Filing of Reports - Profession Monitoring Program Reviews - Enforcement, p. 763, 1527

(Board of Real Estate Appraisers)

I AMC Audit Rules, p. 580, 1201

(Board of Realty Regulation)

24.210.401 and other rule - Fee Schedule, p. 773, 1533

24.210.426 and other rules - Trust Account Requirements - Internet Advertising Rules - General License Administration Requirements, p. 508, 1621

(Board of Speech-Language Pathologists and Audiologists)

24.222.701 and other rules - Supervisor Responsibility - Schedule of Supervision - Functions of Aides or Assistants - Unprofessional Conduct - Functions of Audiology Aides or Assistants, p. 909

(Board of Veterinary Medicine)

24.225.401 Fee Schedule, p. 814, 1171, 1443

LIVESTOCK, Department of, Title 32

32.2.403 Diagnostic Laboratory Fees, p. 917, 1341

32.2.405 and other rules - Testing Within the DSA, - Department of Livestock Miscellaneous Fees - Hot Iron Brands Required - Freeze Branding - Aerial Hunting - Identification - Identification Methodology, p. 2543, 538

32.2.405 and other rules - Department of Livestock Miscellaneous Fees - Official Trichomoniasis Testing - Certification Requirements - Hot Iron Brands Required - Freeze Branding - Recording and Transferring of Brands, p. 514, 966

32.2.405 and other rules - Miscellaneous Fees - Change in Brand Recording - Recording and Transferring of Brands - Rerecording of Brands, p. 927, 1342

32.3.201 and other rule - Definitions - Additional Requirements for Cattle, p. 777, 1343

32.3.201 and other rules - Official Trichomoniasis Testing and Certification Requirements - Reporting Trichomoniasis - Movement of Animals From Test-Positive Herds - Epidemiological Investigation - Exposed Herd Notification - Common Grazing and Grazing Associations - Penalties, p. 1008, 1446, 1624

32.3.214 Special Requirements for Goats, p. 1493

32.4.201 and other rules - Identification of, Inspection of, Importation of Alternative Livestock - Transport Within and Into Montana - Definitions

- Requirements for Mandatory Surveillance of Montana Alternative Livestock Cervidae for Chronic Wasting Disease - Alternative Livestock Monitored Herd Status for Chronic Wasting Disease - Import Requirements for Cervids, p. 104, 414

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36.12.101 and other rules - Water Right Combined Appropriation, p. 1496  
36.12.102 and other rules - Water Right Permitting, p. 931, 1344  
36.21.415 Board of Water Well Contractors' Fees, p. 324, 787

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

I Supports for Community Working and Living Waiver Program, p. 780  
I-XI Licensure Requirements for Outpatient Centers for Surgical Services, p. 945, 1626  
37.30.101 and other rules - Updates to the Disability Transitions Program, p. 326, 408, 789  
37.34.201 and other rules - Eligibility, p. 1574  
37.34.301 and other rules - Placement Determinations, p. 1570  
37.34.901 and other rules - Medicaid Home and Community-Based Service Program for Individuals With Developmental Disabilities, p. 593, 1347  
37.34.2003 Discontinuation of Services, p. 332, 1009  
37.34.2101 and other rules - Developmental Disabilities Program Staffing, p. 249, 1173, 1499  
37.34.3001 and other rules - Reimbursement for Services, p. 608, 818, 1212  
37.36.604 Updating the Federal Poverty Index for the Montana Telecommunications Access Program, p. 2327, 247, 788  
37.40.307 and other rules - Nursing Facility Reimbursement, p. 616, 820, 1103  
37.40.705 and other rules - Revision of Fee Schedules for Medicaid Provider Rates, p. 621, 824, 1111, 1215  
37.57.102 and other rules - Update of Children's Special Health Services, p. 1050, 1449  
37.59.101 and other rules - Update of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), p. 1501  
37.79.304 and other rule - Healthy Montana Kids, p. 1025  
37.85.105 and other rules - Medicaid Inpatient Hospital Services, p. 258, 686  
37.85.105 and other rule - Medicaid Pharmacy Unit Dose Prescription Fee, p. 1579  
37.86.3607 Case Management Services for Persons With Developmental Disabilities, p. 605, 816, 1210  
37.86.5101 and other rules - Passport to Health, p. 1016, 1447  
37.87.1202 and other rules - Psychiatric Residential Treatment Facility (PRTF) Services, p. 583  
37.87.1503 and other rules - Children's Mental Health Services Plan (CMHSP), p. 254, 685

- 37.106.301 and other rules - Minimum Standards for All Health Care Facilities, p. 1029
- 37.106.1902 and other rules - Comprehensive School and Community Treatment Program (CSCT), p. 2551, 415
- 37.114.101 and other rules - Communicable Disease Control, p. 14, 518, 967

PUBLIC SERVICE REGULATION, Department of, Title 38

- I-VII Simplified Regulatory Options for Small Water and Sewer Utilities, p. 1583
- 38.2.5031 Public Utility Executive Compensation, p. 409
- 38.5.1902 Qualifying Facilities, p. 827

REVENUE, Department of, Title 42

- I Alternative Office Hours in County Offices, p. 1055
- 42.4.301 Residential Property Tax Credits, p. 959, 1450
- 42.9.101 and other rules - Pass-Through Entities, p. 2578, 428
- 42.21.116 and other rules - Personal Property Valuation, p. 1591

SECRETARY OF STATE, Office of, Title 44

- 1.3.307 Rulemaking Notice Requirements, p. 1517
- 1.3.309 Rulemaking Notice Requirements, p. 1077, 1537
- 44.3.1101 and other rules - Elections, p. 1059, 1628
- 44.3.2405 and other rules - Montana Absent Uniformed Services and Overseas Voter Act, p. 1071
- 44.5.115 Filing Fees for Limited Liability Companies, p. 1080
- 44.6.111 and other rules - Fees Charged by the Business Services Division - Output Relating to the Farm Bill Master List, p. 522, 1119
- 44.14.304 Fees Charged by Records and Information Management, p. 1327, 1631



## BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in August 2013 appear. Vacancies scheduled to appear from October 1, 2013, through December 31, 2013, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of September 1, 2013.

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

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Aging Advisory Council</b> (Public Health and Human Services)			
Ms. Connie Bremner Browning	Governor	reappointed	8/23/2013 7/1/2016
Qualifications (if required):	Public Representative		
Commissioner Marianne Roose Eureka	Governor	reappointed	8/23/2013 7/1/2016
Qualifications (if required):	Public Representative		
Ms. Joan Taylor Helena	Governor	reappointed	8/23/2013 7/1/2016
Qualifications (if required):	Public Representative		
Mr. Alex Ward Helena	Governor	reappointed	8/23/2013 7/1/2016
Qualifications (if required):	Public Representative		
<b>Board of Veterans' Affairs</b> (Military Affairs)			
Mr. Shawn Backbone Crow Agency	Governor	Old Bull Big Man	8/1/2013 8/1/2015
Qualifications (if required):	Tribal Member		
Mr. Byron Erickson Helena	Governor	reappointed	8/1/2013 8/1/2017
Qualifications (if required):	U.S. Department of Labor Representative		

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Veterans' Affairs</b> (Military Affairs) cont.			
Mr. Clarence Silvertsen Black Eagle	Governor	Heavyrunner	8/1/2013 8/1/2017
Qualifications (if required): Veteran, Region 3			
<b>Butte Natural Resource Damage Restoration Council</b> (Administration)			
Rep. Edith McClafferty Butte	Governor	Gallus	8/23/2013 7/1/2016
Qualifications (if required): Public Representative			
Ms. Helen O'Connor Butte	Governor	reappointed	8/23/2013 7/1/2016
Qualifications (if required): Public Representative			
Mr. Dave Williams Butte	Governor	Curran	8/23/2013 7/1/2016
Qualifications (if required): Public Representative			
<b>Chief Water Judge</b>			
Mr. Jim Larson Billings	Judicial Nomination Commission	not listed	8/1/2013 7/31/2017
Qualifications (if required): none specified			
Mr. William Russell McElyea Bozeman	Judicial Nomination Commission	not listed	8/1/2013 7/31/2017
Qualifications (if required): none specified			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Committee on Telecommunications Access Services for Persons with Disabilities</b> (Public Health and Human Services)			
Mr. Ron Bibler Great Falls	Governor	reappointed	8/9/2013 7/1/2016
Qualifications (if required): Disabilities Community (Deaf or Hard of Hearing)			
Ms. Chris Caniglia Helena	Governor	reappointed	8/9/2013 7/1/2016
Qualifications (if required): Business Person non-disabled			
Ms. Cheryl Dickens Bozeman	Governor	Ellesch	8/9/2013 7/1/2016
Qualifications (if required): Disabilities Community (Deaf or Hard of Hearing)			
Ms. Linda Kirkland Helena	Governor	reappointed	8/9/2013 7/1/2016
Qualifications (if required): Department of Administration			
Mr. Jim Marks Helena	Governor	reappointed	8/9/2013 7/1/2016
Qualifications (if required): Department of Administration			
<b>Community Service Commission</b> (Labor and Industry)			
Ms. Heather Margolis Helena	Governor	Hicswa	8/23/2013 7/1/2016
Qualifications (if required): National Service Program			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Community Service Commission</b> (Labor and Industry) cont.			
Ms. Wendy Nicolai Helena	Governor	Kelly	8/23/2013 7/1/2016
Qualifications (if required): Agency Representative			
Mr. Adam Vauthier Anaconda	Governor	reappointed	8/23/2013 7/1/2016
Qualifications (if required): Non-Profit Organization			
<b>Equal Pay for Equal Work Task Force</b> (Labor and Industry)			
President Waded Cruzado Bozeman	Governor	not listed	8/23/2013 11/1/2014
Qualifications (if required): Higher Education			
Ms. Jen Euell Helena	Governor	not listed	8/23/2013 11/1/2014
Qualifications (if required): Non-Profit Organization			
Mr. Dean Barry Good Missoula	Governor	not listed	8/23/2013 11/1/2014
Qualifications (if required): Higher Education			
Ms. Aimee Grmoljez Helena	Governor	not listed	8/23/2013 11/1/2014
Qualifications (if required): Private Business			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Equal Pay for Equal Work Task Force</b> (Labor and Industry) cont. Mayor Tom Hanel Billings Qualifications (if required): Local Government	Governor	not listed	8/23/2013 11/1/2014
Ms. Jacquie Helt Missoula Qualifications (if required): Organized Labor	Governor	not listed	8/23/2013 11/1/2014
Ms. Deb Larson Bozeman Qualifications (if required): Private Business	Governor	not listed	8/23/2013 11/1/2014
Ms. Kimberly Rickard Helena Qualifications (if required): Organized Labor	Governor	not listed	8/23/2013 11/1/2014
Ms. Amy Stiffarm Polson Qualifications (if required): Tribal Member	Governor	not listed	8/23/2013 11/1/2014
Mr. Scott Wilson Bozeman Qualifications (if required): Private Business	Governor	not listed	8/23/2013 11/1/2014

## BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Labor-Management Advisory Council</b> (Labor and Industry)			
Ms. Bonnie Lyytinen-Hale Three Forks	Governor	Kozeluh	8/1/2013 6/1/2015
Qualifications (if required): Rehabilitation Association of Montana			
<b>Montana Wheat and Barley Committee</b> (Governor)			
Mr. Randy Hinebauch Conrad	Governor	reappointed	8/20/2013 8/20/2016
Qualifications (if required): From District 2 and a Republican			
Mr. Chris Kolstad Ledger	Governor	reappointed	8/20/2013 8/20/2016
Qualifications (if required): From District 3 and a Republican			
<b>Pacific Northwest Economic Region</b> (Commerce)			
Ms. Diane Smith Whitefish	Governor	Roose	8/9/2013 1/1/2017
Qualifications (if required): Governor's Designee			
<b>Poet Laureate</b> (Montana Arts Council)			
Ms. Tami Haaland Billings	Governor	Noethe	8/1/2013 8/1/2015
Qualifications (if required): Montana Arts Council Nominee			
<b>Public Defender Commission</b> (Administration)			
Mr. Brian Gallik Bozeman	Governor	reappointed	8/9/2013 7/1/2017
Qualifications (if required): Attorney nominated by the Supreme Court			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Public Defender Commission (Administration) cont.</b>			
Mr. Richard Gillespie Helena	Governor	reappointed	8/9/2013 7/1/2017
Qualifications (if required): Attorney nominated by the State Bar			
Ms. Margaret Novak Chester	Governor	reappointed	8/9/2013 7/1/2017
Qualifications (if required): organization advocating on behalf of indigent persons			
<b>State Banking Board (Administration)</b>			
Mr. Bart Langemeier Red Lodge	Governor	Walsh	8/23/2013 7/1/2016
Qualifications (if required): National Bank Officer			
Ms. Amy Rapp Great Falls	Governor	Casterline	8/23/2013 7/1/2016
Qualifications (if required): Public Representative			
<b>State Library Commission (State Library)</b>			
Ms. Fredricka Hunter Missoula	Governor	Hinch	8/9/2013 5/22/2016
Qualifications (if required): Public Representative			
<b>State Parks and Recreation Commission (Fish, Wildlife and Parks)</b>			
Ms. Diane Conradi Whitefish	Governor	not listed	8/9/2013 1/1/2017
Qualifications (if required): District 1			



**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Parks and Recreation Commission</b> (Fish, Wildlife and Parks) cont.			
Director Mary Sexton Helena Qualifications (if required): District 3	Governor	not listed	8/9/2013 1/1/2015
Mr. Douglas Smith Plentywood Qualifications (if required): District 4	Governor	not listed	8/9/2013 1/1/2017
Sen. Thomas E. "Tom" Towe Billings Qualifications (if required): District 5	Governor	not listed	8/9/2013 1/1/2015
Mr. Jeff Welch Livingston Qualifications (if required): District 2	Governor	not listed	8/9/2013 1/1/2017
<b>State Tribal Economic Development Commission</b> (Commerce)			
Ms. Cheryl Reevis Browning Qualifications (if required): Blackfeet Tribe's alternate member	Governor	reappointed	8/9/2013 6/30/2016
Mr. Roger "Sassy" Running Crane Browning Qualifications (if required): Blackfeet Tribe's member	Governor	reappointed	8/9/2013 6/30/2016

## BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Tribal Economic Development Commission (Commerce) cont.</b>			
Mr. Channis Whiteman Crow Agency	Governor	Old Dwarf	8/9/2013 6/30/2015
Qualifications (if required): Crow Tribe's Alternate member			
<b>Statewide Independent Living Council (Public Health and Human Services)</b>			
Ms. Astghik Iknatian Billings	Governor	not listed	8/9/2013 12/1/2015
Qualifications (if required): DPHHS Representative and ex-officio member			
<b>Upper Clark Fork River Basin Remediation and Restoration Advisory Council (Justice)</b>			
Ms. Maureen Connor Philipsburg	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required): Resident of the Upper Clark Fork Basin			
Ms. Katherine Eccleston Anaconda	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required): Resident of the Upper Clark Fork Basin			
Director Jeff Hagener Helena	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required): Director of Fish, Wildlife and Parks			
Mr. Jim Kambich Butte	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required): Resident of the Upper Clark Fork Basin			

**BOARD AND COUNCIL APPOINTEES FROM AUGUST 2013**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Upper Clark Fork River Basin Remediation and Restoration Advisory Council (Justice) cont.</b>			
Mr. Jon A. Krutar Helena	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required):	Resident of the Upper Clark Fork Basin		
Mr. Michael McLean Anaconda	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required):	Resident of the Upper Clark Fork Basin		
Mr. Roy O'Connor Missoula	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required):	Resident of the Upper Clark Fork Basin		
Mr. Elton Ringsak Butte	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required):	Resident of the Upper Clark Fork Basin		
Mr. William Rossbach Missoula	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required):	Resident of the Upper Clark Fork Basin		
Ms. Tracy Stone Manning Missoula	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required):	Director of Department of Environmental Quality		
Director John Tubbs Helena	Governor	reappointed	8/9/2013 7/31/2015
Qualifications (if required):	Director of Department of Natural Resources and Conservation		

**VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2013 THROUGH DECEMBER 31, 2013**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Athletic Trainers</b> (Labor and Industry) Mr. Bob Fletcher, Bozeman Qualifications (if required): public representative	Governor	10/1/2013
Mr. Shawn Ruff, Great Falls Qualifications (if required): public representative	Governor	10/1/2013
<b>Board of Barbers and Cosmetologists</b> (Labor and Industry) Mr. Wendell Petersen, Missoula Qualifications (if required): cosmetologist	Governor	10/1/2013
Ms. Jamie Ausk Crisafulli, Glendive Qualifications (if required): public representative	Governor	10/1/2013
Mr. William Graves, Great Falls Qualifications (if required): barber	Governor	10/1/2013
Ms. Sherry Dembowski-Wieckowski, Thompson Falls Qualifications (if required): barber	Governor	10/1/2013
<b>Board of Outfitters</b> (Labor and Industry) Mr. John Wilkinson, Miles City Qualifications (if required): fishing and hunting outfitter	Governor	10/1/2013
<b>Board of Speech-Language Pathologists and Audiologists</b> (Labor and Industry) Ms. Cheri Fjare, Big Timber Qualifications (if required): speech-language pathologist	Governor	12/31/2013

**VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2013 THROUGH DECEMBER 31, 2013**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Speech-Language Pathologists and Audiologists</b> (Labor and Industry) cont. Ms. Alida Wright, Columbia Falls Qualifications (if required): speech-language pathologist	Governor	12/31/2013
Ms. Beverly Stiller, Lame Deer Qualifications (if required): consumer representative	Governor	12/31/2013
<b>Claims Data Analysis Council</b> (State Auditor) Rep. Chuck Hunter, Helena Qualifications (if required): none specified	State Auditor	10/13/2013
Rep. Monica J. Lindeen, Huntley Qualifications (if required): none specified	State Auditor	10/13/2013
Ms. Claudia Clifford, Helena Qualifications (if required): none specified	State Auditor	10/13/2013
Ms. Tanya Ask, Helena Qualifications (if required): none specified	State Auditor	10/13/2013
Mr. Gregg Davis, Missoula Qualifications (if required): none specified	State Auditor	10/13/2013
Mr. Don Creveling, Missoula Qualifications (if required): none specified	State Auditor	10/13/2013

**VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2013 THROUGH DECEMBER 31, 2013**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Claims Data Analysis Council</b> (State Auditor) cont. Mr. Barnard Khomenko, Missoula Qualifications (if required): none specified	State Auditor	10/13/2013
Mr. Frank Cote, Helena Qualifications (if required): none specified	State Auditor	10/13/2013
Mr. Robert Shepard, Clancy Qualifications (if required): none specified	State Auditor	10/13/2013
Mr. Jon Bennion, Helena Qualifications (if required): none specified	State Auditor	10/13/2013
Dr. Tom Roberts, Missoula Qualifications (if required): none specified	State Auditor	10/13/2013
Dr. William Reiter, Anaconda Qualifications (if required): none specified	State Auditor	10/13/2013
Mr. Joseph Lotus, Chicago Qualifications (if required): none specified	State Auditor	10/13/2013
Ms. Megan O'Halloran, Milwaukee Qualifications (if required): none specified	State Auditor	10/13/2013
Ms. Roberta Yager, Helena Qualifications (if required): none specified	State Auditor	10/13/2013

**VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2013 THROUGH DECEMBER 31, 2013**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Claims Data Analysis Council</b> (State Auditor) cont. Ms. Jan Hoy, Billings Qualifications (if required): none specified	State Auditor	10/13/2013
Ms. Rebecca Kelly, Billings Qualifications (if required): none specified	State Auditor	10/13/2013
Mr. Dror Baruch, Billings Qualifications (if required): none specified	State Auditor	10/13/2013
Mr. Alan Hall, Missoula Qualifications (if required): none specified	State Auditor	10/13/2013
<b>Flathead Basin Commission</b> (Natural Resources and Conservation) Ms. Jan Metzmaker, Whitefish Qualifications (if required): public representative	Governor	10/1/2013
Ms. Margaret Sogard, Bigfork Qualifications (if required): public representative	Governor	10/1/2013
Mr. Thompson R. Smith, Charlo Qualifications (if required): public representative	Governor	10/1/2013
Mr. Chas. Cartwright, Columbia Falls Qualifications (if required): public representative	Governor	10/1/2013

**VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2013 THROUGH DECEMBER 31, 2013**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Historical Preservation Review Board</b> (Historical Society) Mr. Donald Matlock, Hamilton Qualifications (if required): public representative	Governor	10/1/2013
<b>Historical Records Advisory Council</b> (Historical Society) Ms. Ellen Crain, Butte Qualifications (if required): public representative	Governor	10/12/2013
Mr. Kim Allen Scott, Bozeman Qualifications (if required): public representative	Governor	10/12/2013
Ms. Judy Ellinghausen, Great Falls Qualifications (if required): public representative	Governor	10/12/2013
Ms. Anne L. Foster, Huntley Qualifications (if required): public representative	Governor	10/12/2013
Ms. Jodie Foley, Helena Qualifications (if required): state archivist	Governor	10/12/2013
Mr. Jon Ille, Hardin Qualifications (if required): public representative	Governor	10/12/2013
Mr. Samuel Meister, Missoula Qualifications (if required): public representative	Governor	10/12/2013



**VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2013 THROUGH DECEMBER 31, 2013**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Judicial Nomination Commission</b> (Supreme Court) Judge Richard A. Simonton, Glendive Qualifications (if required): none specified	elected	12/31/2013
<b>Montana Alfalfa Seed Committee</b> (Agriculture) Mr. Tom Matchett, Billings Qualifications (if required): alfalfa seed grower	Governor	12/21/2013
Mr. Tom Neibur, Malta Qualifications (if required): alfalfa seed grower (alfalfa Leaf-cutting bees)	Governor	12/21/2013
<b>Statewide Independent Living Council</b> (Public Health and Human Services) Mr. Tim Harris, Helena Qualifications (if required): agency representative	Governor	12/1/2013
Mr. Bob Maffit, Helena Qualifications (if required): public representative/disabilities community representative	Governor	12/1/2013
Mr. Dick Trerise, Helena Qualifications (if required): agency representative	Governor	12/1/2013
Mr. Chris Cragwick, Missoula Qualifications (if required): public representative/disabilities community representative	Governor	12/1/2013
Ms. Donell Neiss, Missoula Qualifications (if required): public representative/disabilities community representative	Governor	12/1/2013

**VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2013 THROUGH DECEMBER 31, 2013**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Statewide Independent Living Council</b> (Public Health and Human Services) cont.                      Ms. Bobbie Becker, Glendive                      Qualifications (if required): Independent Living Center representative</p>	Governor	12/1/2013
<p>Mr. Troy Spang, Ashland                      Qualifications (if required): Section 121 representative</p>	Governor	12/1/2013
<p>Mr. Tom Osborn, Black Eagle                      Qualifications (if required): representative of independent living centers</p>	Governor	12/1/2013
<p><b>Vocational Rehabilitation Council</b> (Public Health and Human Services)                      Mr. Bob Maffit, Helena                      Qualifications (if required): statewide independent living council representative</p>	Governor	10/1/2013
<p>Ms. Nina Cramer, Missoula                      Qualifications (if required): representative of organized labor</p>	Governor	10/1/2013
<p>Ms. Mary Hall, Missoula                      Qualifications (if required): parent organization representative</p>	Governor	10/1/2013
<p>Ms. Chanda Hermanson, Helena                      Qualifications (if required): advocacy program representative</p>	Governor	10/1/2013
<p>Ms. Nikki Sandve, Helena                      Qualifications (if required): state education agency representative</p>	Governor	10/1/2013

**VACANCIES ON BOARDS AND COUNCILS -- OCTOBER 1, 2013 THROUGH DECEMBER 31, 2013**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Vocational Rehabilitation Council</b> (Public Health and Human Services) cont.                      Ms. Kate Gangner, Great Falls                      Qualifications (if required): community rehabilitation program representative</p>	Governor	10/1/2013
<p>Ms. Marla Swanby, Helena                      Qualifications (if required): State education agency Rep.resentative</p>	Governor	10/1/2013
<p><b>Water and Waste Water Operators' Advisory Council</b> (Environmental Quality)                      Mr. Donald Coffman, Harlem                      Qualifications (if required): water treatment plant operator</p>	Governor	10/16/2013